

**TOWN OF BETHLEHEM  
BOARD OF APPEALS  
July 5, 2006**

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  
Gilbert Brookins  
Leonard Micelli  
Mark Hennessey

Michael Moore Attorney to the Board

Mark Platel Building Inspector

ABSENT: Anthony K. Umina

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

- - -

Good evening Ladies and Gentlemen, I'm Mike Hodom. On the first hearing this evening due to a potential conflict of interest due to an on-going dispute that I currently have with Patio Enclosures I feel it necessary to excuse myself from this hearing and any deliberations for this hearing and having said that I've appointed Mr. Gil Brookins as Acting Chair. Thank you.

ACTING CHAIRMAN BROOKINS: Thank you Mr. Chairman.

CHAIRMAN HODOM: Your welcome.

ACTING CHAIRMAN BROOKINS: The first order of business this evening is a public hearing for a Variance under Article XIII, use & Area Schedules, Section 128-100A, Maximum Lot Coverage for property at 7 Schuyler Road, request by Karen & Steven Bylsma. The Applicant wishes to construct a 3-season room, which will exceed the allowable lot coverage at the premises. Mr. Platel, would you give us the reason for the hearing, please?

MR. PLATEL: Yes, Mr. Chairman. The Applicant is proposing to construct a 144-square foot sunroom addition to the rear of the existing 1,827.18-square foot main structure creating a total main structure of 1,971.18-square feet. This is 48.52-square feet over the 1,922.07-square feet allowed. The lot occupancy will be 20.52-percent, which is

---

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

.52-percent over the 20-percent allowed.

The existing structure is a single-family dwelling and is located in a planned residence district.

ACTING CHAIRMAN BROOKINS: 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 of Bethlehem, Albany County, New York will hold a public hearing on, Wednesday July 5, 2006 at 7:00 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Karen & Steven Bylsma for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Maximum Lot Coverage of the Code of the Town of Bethlehem for construction of an addition, which will exceed the allowable lot coverage at the premises 7 Schuyler Road, Glenmont, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the June 28, 2006 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.

ACTING CHAIRMAN BROOKINS: 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 wishing to speak in opposition of the Applicant. 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. Who is going to make the presentation?

MR. BYLSMA: I'll take care of that.

ACTING CHAIRMAN BROOKINS: Tell us what you want to do, why you want to do it and how you want to do it.

MR. BYLSMA: I'd like to put a 3-season room – it's this one here that is exactly what we're going to put on our home. It's the same color and it's also the same color of the house so it's really not intrusive. The purpose of that is based on the letter that we put in is that my wife had a brain tumor 15-years ago, which causes - - and also had radiation which causes her equilibrium – that's off and so her balance is off and it makes it very difficult for her to walk down our driveway and one of the primary reasons is that she is retiring from teaching this year is because of the difficulty of walking through the class room and tripping and falling and she enjoys the outdoors a great deal and that's the main purpose to have this 3-season room put on so that she can spend the time "outdoors" instead of sitting inside the house and also it helps me not to worry too much when I go to work that she's not out falling some place. So we're just asking for a minimal amount

– Variance for this piece of property.

ACTING CHAIRMAN BROOKINS: Have you spoken with any of your neighbors?

MR. BYLSMA: Yes we have. We've spoke with most of the neighbors – most of them. We even had them sign a petition stating that it did not interfere with them at all and they agreed that we could have it.

ACTING CHAIRMAN BROOKINS: Is this for the record?

MR. BYLSMA: Yes you can have that.

MRS. BYLSMA: We also spoke to several others that aren't - - before we wrote the letter. We didn't come across anyone who was in opposition.

MR. BYLSMA: That's correct. And based on the photographs that have been attached to this you can see that it's really not a sore thumb sticking out in the middle of the yard. There's fences on 1-side of it and then the trees.

ACTING CHAIRMAN BROOKINS: Have you considered down sizing this and as your petition mentioned it's less than 49-square feet. Have you considered re-formulating this to be underneath the need for a Variance – to be less than 20-percent, a smaller sunroom?

MR. BYLSMA: Yeah we have discussed it. We discussed it a great deal because we had plenty of time to do so, however to give Karen more room and not have it so cluttered, which was the classroom issue to we just felt that for the minimal amount that we would really like to have the 12 by 12-room.

ACTING CHAIRMAN BROOKINS: Is there going to be any heat in this?

MR. BYLSMA: No.

ACTING CHAIRMAN BROOKINS: Electricity?

MR. BYLSMA: Yes.

ACTING CHAIRMAN BROOKINS: Plumbing?

MR. BYLSMA: No.

MR. MICELLI: Steve what would be the next size down – I think you told me this morning and I forgot.

MR. BYLSMA: I think we would have to go below a 10 by 10 which would be difficult to put a couch in there.

MR. MICELLI: Thank you.

ACTING CHAIRMAN BROOKINS: You're going to leave the existing deck – put this next to the existing deck?

MR. BYLSMA: Correct.

ACTING CHAIRMAN BROOKINS: I was out there today – over the set of French doors or sliders.

MR. BYLSMA: It's going to be flush so you should be able to walk out and also there will be another sliding glass door that will step out onto the deck.

ACTING CHAIRMAN BROOKINS: Mark, Len?

MR. HENNESSEY: No I don't have any questions. I've read your materials and on a percentage basis it's not a large deviation. I think they covered the questions I was going to ask.

ACTING CHAIRMAN BROOKINS: If the application were to be approved what is the time you would need to do this? Would it be this season?

MR. LAGACE: It would be this year, probably near the end of the summer.

MR. MICELLI: You're looking at about 2-months time period?

MR. LAGACE: Yeah I would say so.

ACTING CHAIRMAN BROOKINS: Would you just give us your name for the record?

MR. LAGACE: My name is Tim Lagace, Patio Enclosures representative.

MR. HENNESSEY: Actually I do have one question, has your company done other enclosures like this in the same area?

MR. LAGACE: Oh yeah, many. We've done over 3000-rooms in the Albany area.

MR. MICELLI: Steve one more question for the record, I believed we discussed that they were going to be on piers right?

MR. BYLSMA: Yes.

MR. MICELLI: So the patio blocks are all going to come out and you're going to put concrete piers in. How deep are they going to be, 4-feet?

MR. BYLSMA: They are going to be 4-foot belled out.

MR. MICELLI: Thank you.

MR. BYLSMA: It will look similar with the brick around it, again just to make it all blend in to the house as much as possible.

ACTING CHAIRMAN BROOKINS: Okay. Anyone in the audience with any questions or comments? Anyone wishing to speak in favor of the Applicant.

MRS. CAPONE: Mr. Bylsma look at Geurtz construction they are very good.

ACTING CHAIRMAN BROOKINS: Marie can we have your name please, for the record.

MRS. CAPONE: You just said my name and it's Marie.

ACTING CHAIRMAN BROOKINS: Anyone else wishing to speak in favor of the Applicant, Karen this is your turn.

MRS. BYLSMA: I really do have a severe balance problem and it's getting worse; it seems to be getting worse. I habitually find the floor and the ground and because there are 2-doorways and putting the furniture in – it will make a big difference if it was 12 by 12.

MR. BYLSMA: And this is why we moved – we had a new house built so that the master suite is on the first floor. We lived over in Delmar and Holbrook Way but that was a 2-story and she couldn't navigate the stairs that well so now we had it built with a master suite on the first floor so this would be an extension.

ACTING CHAIRMAN BROOKINS: Anyone desiring to speak in opposition to the applicant? Hearing no further comments or questions we'll declare the hearing closed in we'll notify you in a timely fashion. Thank you both.

Hearing closed 7:10 p.m.

- - -

The next order of business this evening is a public hearing for Variance under Article XIII, Use & Area Schedules, Section 128-100A, Minimum Front Yards, for property at 10 Groesbeck Place, Delmar, requested by Peter & Kristen Zilgme. The Applicant would like to alter an existing porch into living space at the premises.

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

MR. PLATEL: Yes, Mr. Chairman. The Applicant is proposing to demolish the existing 127.98-square foot front porch and construct a new 170.93-square foot front porch, which will create a front yard setback of 23.39 feet. This is 1.61-feet shy of the 25-feet required and is slightly less of an encroachment than the existing porch by .19-feet or roughly 2 ¼-inches.

The existing structure is a single family dwelling and is located in a Core Residential District.

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 July 5, 2006 at 7:15 p.m. at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Peter & Kristen Zilgme for Variance under Article XIII, Use & Area Schedules, Section 128-100A, Minimum Front Yards of the Code of the Town of Bethlehem for the alteration of an existing porch that will become living space at premises 10 Groesbeck Place, Delmar, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the June 28, 2006 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 will be allowed to do so, we just request that you come stand or sit close to the black microphone; it's for recording purposes only. Any questions or comments should be directed to the Board and to the issue at hand this evening. Mr. Zilgme if you would like to introduce yourself, give us your address, tell us what you want to do and why you want to do it and how you want to do it.

MR. ZILGME: All right, my name is Pete Zilgme and this is my wife Kristen. We reside at 10 Groesbeck Place, Delmar for the last 11-years. We have a 3-season porch that's not

heated on the front of the house and is on piers – metal piers. We'd like to enclose the porch as living space with a full foundation and basically the same footprint. It does not meet the setback of 25-feet presently either; we're grandfathered and we would stay within that footprint on that setback. We do not utilize that space at this time; we have 2-children and structurally I'm not sure how long it will last but it's still there now. This is something we hope to accomplish this year.

CHAIRMAN HODOM: Thank you. I realize the depth of the proposed addition won't be any farther than the existing porch, but you are widening it somewhat more?

MR. ZILGME: Right, by roughly 2-feet.

CHAIRMAN HODOM: 2 ½-feet, okay. Will this addition also be used as a porch?

MR. ZILGME: No, it will become part of the living room. So we'll open up – we'll take the existing exterior wall from the house from the 3-season porch, we'll open that up and make that part of the living room. We have a fairly narrow living room presently.

CHAIRMAN HODOM: Could you describe the layout of your existing home as it currently exists?

MR. ZILGME: As you walk into the living room it's...

MRS. ZILGME: If you walk into the porch – you have seen pictures of the porch, there's a center door on the front of the house to enter into the living space with a narrow living room where the fireplace is and there's a dining room through there and you go up the stairs to the right of the living room. To the left you go to the dining room and the rest of the house and then to the right there's a staircase that goes upstairs.

MR. ZILGME: Basically 12-feet across and that door as it opens it's smack dab in the living room.

MRS. ZILGME: The current door.

MR. ZILGME: The current door as it exists.

CHAIRMAN HODOM: Okay as shown on your plan, this is the door that you're referring to that opens up into your living room?

MR. ZILGME: No there's...

MRS. ZILGME: You need the old plans.

MR. ZILGME: This is our existing.

CHAIRMAN HODOM: Do you have a copy of that that we could have? Is this the only

copy you have?

MR. ZILGME: No, you can have as many as you want. This is the present door and these are windows – all that exterior wall. This opens up and this is the living room so that's smack dab right in the middle.

CHAIRMAN HODOM: Okay, but are you going to open this all up here?

MR. ZILGME: Yes there will be....

CHAIRMAN HODOM: It's not going to be like this?

MR. ZILGME: Well there will be a half wall and this will be open as well as this will be open.

CHAIRMAN HODOM: So this is a half wall here?

MR. ZILGME: Yes.

CHAIRMAN HODOM: 3-foot, 4.

MRS. ZILGME: We're hoping to maintain the current look of the house, the porch – the windows and things that we would like to put in – very similar to the windows.

MR. MICELLI: Same amount of windows?

MR. ZILGME: Roughly.

MR. MICELLI: Keep the same look.

MR. ZILGME: Right.

MR. MICELLI: How old is the house?

MR. ZILGME: It's 83 I think now, yeah we're finding that out.

MRS. ZILGME: The porch has been having some problems with dry rot and things.

MR. MICELLI: I can imagine.

CHAIRMAN HODOM: The architectural features that you're proposing for the porch – you're trying to match the existing home as closely as possible, the siding and roofing.

MR. ZILGME: It would change it some but we're keeping all the wood trim the way it is. I'm just changing the color, I'm going away from clapboard – going to vinyl siding; it's less maintenance on my part, but everything - - we're trying to keep everything, the

molding and everything the same.

MRS. ZILGME: We're going to maintain the same look.

MR. MICELLI: So you're not going to have any entrance in the front anymore? It's going to be on the side.

MR. ZILGME: Yeah we're going to put that entrance on the side.

MR. MICELLI: What kind of porch will you be having, a brick porch – I mean the steps and everything.

MR. ZILGME: You're looking at it pretty much right there.

MRS. ZILGME: There's just going to be more of a winterized door.

MR. HENNESSEY: And the current roof of the porch right now is that metal?

MR. ZILGME: Yeah that's metal.

MR. HENNESSEY: So you're going to be replacing a metal roof....

MR. ZILGME: Right.

MR. HENNESSEY: The main house though – the rest of the house is that asphalt?

MR. ZILGME: Yes.

MR. HENNESSEY: Okay did you think of maybe matching it?

MR. JONES: The pitch is too shallow.

MR. ZILGME: Right we would have to change the roofline.

CHAIRMAN HODOM: Please introduce yourself to us.

MR. JONES: Steve Jones. I live at 12 Groesbeck Place, Pete's neighbor and am also a licensed architect in the State of New York.

CHAIRMAN HODOM: You're also going to have a full basement underneath the new addition?

MR. JONES: Yes.

CHAIRMAN HODOM: And that will be tied into - - do you currently have an existing basement?

MR. ZILGME: Yes we do; yes it would be tied into the current basement. I'd like to put in a door.

CHAIRMAN HODOM: There will be an opening?

MR. ZILGME: Yes.

CHAIRMAN HODOM: So it would be used for storage and so forth?

MR. ZILGME: Yes, more of my stuff.

CHAIRMAN HODOM: Your stuff?

MRS. ZILGME: Believe me, he has a lot of stuff. I need a full walk in closet for my stuff, which I don't have.

CHAIRMAN HODOM: And if the Board were to approve the application do you have a specific time frame that you're looking at?

MR. ZILGME: We would like to try to get it started this summer. I'm a teacher so it's an opportune time and work on it as much as possible to try to get as much done and continue into the fall - go inside.

CHAIRMAN HODOM: Are you currently re-siding your home?

MR. ZILGME: Yes.

CHAIRMAN HODOM: So that siding would continue on to the porch if it's approved?

MR. ZILGME: Yes.

MR. HENNESSEY: Is there a point where you have to make that decision, I mean to finish the siding?

MR. ZILGME: Well we're working away and if not I'll decide on something else. I'm going to have to end up siding somehow.

MR. HENNESSEY: I'm just thinking side it once and then have to side it again.

MR. ZILGME: No, I'm going to side it at the time.

MR. JONES: We'd like to do it just once and if it doesn't pass we'll side what's there.

CHAIRMAN HODOM: What is the current size of your family Mr. Zilgme?

MR. ZILGME: 2-children.

MRS. ZILGME: And a dog.

CHAIRMAN HODOM: And have you discussed your proposed addition with your Various neighbors?

MR. ZILGME: Yes we have and as a matter of fact I have a – well Luke is also a neighbor of mine; he's here and also I have a letter from a neighbor directly across. And we just had a barbeque the other night and it's something we through in.

CHAIRMAN HODOM: You don't have to go into the too deeply.

MR. ZILGME: Well no one seemed to – we said we were going to try to keep pretty much everything the same.

MR. PLATEL: Nobody on the Board got invited.

CHAIRMAN HODOM: Are there any other questions from the Board? Are there any questions or comments from the audience?

MR. JONES: I'd like to make a statement in favor of the project. The existing porch comes out 7-foot, 9 from the main house and we're maintaining that extension within an inch or so. If the setback – new setback was to be enforced at 25-feet we would lose approximately a foot and a half from that existing front porch. It's 7-foot,9 the extension minus 6-inch stud brings it to 7-foot, 3 at the present location and if we were to lose a foot and a half that would bring it down to just over 5-feet which I think would be a real hardship as far as doing the project and gaining only 5-feet. It's basically a corner then, not a real living space where you can walk through the space and add furniture to it so I think it really needs to have the extra foot and a half to work as a viable living space.

CHAIRMAN HODOM: Okay, thank you.

MR. PLATEL: Can I ask a quick question, on the survey it shows 7.9-feet, which is like 7,10 – I guess 7-feet, 10-inches. Is the actual measurement of the front porch 7-feet, 9-inches or is it actually 7, 10 and a little more.

MR. JONES: I believe it's 7,9 but it really depends where you measure it. If it's by the roof or it's.....

MR. PLATEL: It goes off the foundation.

MR. JONES: I was off the wood trim – the apron on the wood trim.

MR. BROOKINS: I just have one more question and I looked at it but I didn't measure it. The roof overhang on the present and on the proposed, do you roughly know what we're talking about? Let me ask you the question a different way is it less than 18-inches.

MR. ZILGME: The existing overhang?

MR. BROOKINS: Yes and the proposed.

MR. ZILGME: We're trying to make it look like we weren't even there. You know we're just upgrading the space and basically it's of the same period that it was originally and just winterize it.

MR. BROOKINS: I understand we're just playing around with the measurements because – is it 18-inches Mark.

MR. PLATEL: I'll have to look that up in the new zoning.

MR. BROOKINS: But it's probably not affecting the footprint so not an issue, thank you.

MR. MULLEN: Hello my name is Luke Mullen and Im a neighbor and I just want to go on record that he has shown me the plans and it will make a nice house look even nicer. It will be a nice addition to the neighborhood.

CHAIRMAN HODOM: Thank you Mr. Mullen.

MR. MULLEN: You're welcome Michael.

CHAIRMAN HODOM: Anyone else that would like to speak in favor?

MRS. JONES: I'm just Steve's wife and I'm here for support.

MR. BROOKINS: Support for Steve or....

MRS. JONES: Well Steve to.

MR. MICELLI: Are you going to have gutters on that I meant to ask you that before?

MR. ZILGME: No I don't have gutters on there now and I didn't foresee that.

MR. MICELLI: Okay.

MR. ZILGME: I really haven't thought that far out.

MR. MICELLI: You can always do that down the road.

CHAIRMAN HODOM: Anyone else wishing to speak in favor of the Applicant? Anyone desiring to speak in opposition? 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.

Hearing closed 7:30 p.m.

- - -

The next order of business was to consider the application of Stephen Connolly, 39 Iroquois Trail, Slingerlands, New York. The application was found to be in order and Mr. Brookins made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Stephen Connolly for Variance under Article V, Districts, Use & Area Requirements, Section 128-25 C (1), Accessory Uses for the placement of a storage shed, which will not meet the setback requirements at the premises 39 Iroquois Trail, Slingerlands, New York, it is hereby ordered that a public hearing on this matter be held July 19, 2006 at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

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

- - -

The next order of business was to consider the application of Robin & Jeff Sutor, 79 Wisconsin Avenue, Delmar, New York. The application was found to be in order and Mr. Brookins made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Robin & Jeff Sutor for Variance under Article V, Districts, Use & Area Requirements, Section 128-28, Core Residential Districts C(1) for the placement of a storage shed, which will not meet the setback requirements at premises 79 Wisconsin Avenue, Delmar, New York, it is hereby ordered that a public hearing on this matter be held July 19, 2006 at 7:15 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

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

- - -

The next order of business was to consider the application of Zak & Lubna Chauhan, 41 Forsten Drive, Delmar, New York. The application was found to be in order and Mr. Micelli made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Zak & Lubna Chauhan for Variance under Article III, Zoning Maps & Districts, Section 128-17 C, Exceptions for the construction of a 6-foot fence, which will exceed the height requirements for front yards, it is hereby ordered that a public hearing on this matter be held July 19, 2006 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. Brookins seconded the motion and it was unanimously carried by the Board.

- - -

The next order of business was a discussion of the previous public hearing held in the matter of Karen & Steven Bylsma, 7 Schuyler Road, Glenmont, New York. The following points were brought up by the Board members: The proposed addition will not affect the character of the neighborhood. No one spoke in opposition to the Applicant. The Applicant has health issues and this will be a benefit for the family. On a motion made by Mr. Micelli, seconded by Mr. Brookins, and unanimously carried by the Board with Chairman Hodom abstaining, the Board directed Attorney Moore to prepare a proposed resolution granting the Variance, for presentation at the next Board meeting on July 19, 2006.

- - -

The next order of business was a discussion of the previous public hearing held in the matter of Peter & Kristen Zilgme, 10 Groesbeck Place, Delmar, New York. The following points were brought up by the Board members: The proposed Variance is minor. The existing porch does not meet the current front yard setback and is pre-existing, non-conforming. Several neighbors spoke in favor of the Applicant. The Proposed construction will not alter the character of the neighborhood. On a motion made by Mr. Hennessey, 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 July 19, 2006.

The next order of business was to consider the proposed resolution of Suzanne Furlong, 99 Adams Place, Delmar, New York.

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

### **RESOLUTION**

\*\*\*

\*

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 V, Districts, Use and Area Requirements, Section 128-28(C)(1)(a), Accessory Uses, Core Residential District, requested by Suzanne Furlong (“Applicant”) for property at 99 Adams Place, Delmar, New York; and

WHEREAS, the Board, 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 June 21, 2006; 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 Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

## **FINDINGS OF FACT**

The Applicant is proposing to demolish the existing 12 foot by 18 foot detached garage on the property and build a new 24 foot by 24 foot detached garage at the same location. The new garage would have a side yard setback of 3.2 feet, which is 1.8 feet shy of the 5 feet required.

The property is located in a Core Residential district, and is used as the Applicant's residence.

The existing garage structure is also set back only 3.2 feet from the Applicant's eastern side yard. Applicant has designed the proposed new garage so as not to increase this existing encroachment.

The Applicant's neighbor to the east (Panych) has a garage structure immediately opposite her existing (and proposed) garage, and which is located directly on the parties' boundary line.

Applicant owns three cars, including a "collectable" car, and desires a larger garage to house them.

It is not feasible for Applicant to locate the larger garage structure further to the west and so avoid the need for the requested variance. Applicant also has an in-ground pool located in this area, which is raised above the rest of her back yard. Moving the larger garage into this area would necessitate construction into the "toe" of this slope.

The Applicant's lot is typical of the small lots found in "old Delmar." Without a variance, the lot size often limits the owners' ability to make the sorts of improvements proposed in this case.

Applicant has provided a letter from her neighbor to the east (Panych) supporting her application. Applicant has spoken to her other neighbors who also expressed no opposition.

Other than Applicant and her design consultant and her uncle, no one spoke 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 Applicant, the Board determines that the proposed side yard variance will be granted.

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

The benefit sought by the Applicant 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 the minimum variance that is necessary and adequate to the Applicant's needs, while still preserving the character of the neighborhood.

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

The requested side yard variance is GRANTED, on the following conditions:

- i. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicant at the June 21, 2006 hearing, except as the same

may be modified by the Town Building Department or Planning Board;

- ii. In the construction of the garage, the Applicant shall match, as nearly as possible, the roofing and siding on the existing garage or the home; and
- iii. The project shall be completed within the time required by section 128-89(P) of the Town Code.

July 5, 2006

Michael Hodom  
Chairman  
Board of Appeals

- - -

Mr. Micelli made a motion that the Resolution be adopted as amended, Mr. Hennessey seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom Gilbert Brookins Leonard Micelli	None	Anthony K. Umina	None
Mark Hennessey			

(Resolution filed with the Clerk of the Town of Bethlehem on July 6, 2006.)

- - -

The next order of business was to consider the proposed resolution of Eliot and Marla Rich, 65 Iroquois Trail, Slingerlands, New York.

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

### **RESOLUTION**

\*\*\*

\*

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 XIII, Use and Area Schedules, Section 128-100, Minimum Front Yards and Maximum Lot Coverage, requested by Marla Eglowstein and Eliot Rich (“Applicants”) for property at 65 Iroquois Trail, Slingerlands, New York; and

WHEREAS, the Board, 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 June 21, 2006; 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 Zoning 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 additions to the front and rear of the existing residence on the property, which will require two variances. The additions will create a total lot occupancy of 24.72%, which is 4.72% over the 20% allowed, and the front yard setback will be 21 feet, which is 14 feet shy of the 35 feet required.

The existing structure is located in a Residence A district, and is occupied as the Applicants' home.

Ms. Eglowstein has been diagnosed with multiple sclerosis, a progressively debilitating disease. She has difficulty walking, especially up stairs, and is anticipating that her condition could progress to the point that she requires a wheelchair.

Applicants and their children would like to remain in their home and neighborhood, but wish to make the home more amenable to Ms. Eglowstein's condition.

Applicants thus propose two additions to the first floor living area, which will create a new master bedroom area, kitchen and dining room, and laundry area. The rooms in the two additions have been designed so as to be wide enough to accommodate wheelchair access, should that become necessary. The additions will enable Ms. Eglowstein to remain in her home while eliminating her need to climb stairs.

Applicants have spoken with their closest neighbors who have provided the Board with a written statement supporting the proposed project. Applicants also provided a letter from Ms. Eglowstein's doctor, attesting to her condition and supporting the application.

Other than Ms. Eglowstein, no one spoke 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 front yard and lot occupancy variances will be granted.

The Board has determined that the requested variances 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 variances.

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

The requested variances are the minimum necessary and adequate to the Applicants' needs, while still preserving the character of the neighborhood.

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

The requested front yard and lot occupancy variances are GRANTED, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicants at the June 21, 2006 hearing, except as the same may be modified by the Town Building Department or Planning Board;
2. In the construction of the additions, the Applicants shall match, as nearly as possible, the existing roofing and siding on the home; and
3. The project shall be completed within the time required by Section 128-89 (P) of the Town Code.

July 5, 2006

Michael Hodom  
Chairman  
Zoning Board of Appeals

- - -

Mr. Brookins made a motion that the Resolution be adopted as amended, Mr. Hennessey seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None		None
Gilbert Brookins			
Leonard Micelli			
		Anthony K. Umina	
Mark Hennessey			

(Resolution filed with the Clerk of the Town of Bethlehem on July 6, 2006.)

The next order of business was to consider the proposed resolution of Thomas & Joanne Coffey, 47 Clifton Way, Slingerlands, New York.

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

**RESOLUTION**

\*\*\*

\*

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 XIII, Use and Area Schedules, Section 128-100, Minimum Side Yards, requested by Thomas Coffey (“Applicant”) for property at 47 Clifton Way, Slingerlands, New York; and,

WHEREAS, the Board, 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 June 7, 2006; 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 Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

## **FINDINGS OF FACT**

Applicant proposes to construct a 12-foot by 18-foot garage addition attached to the northeast side of his existing garage. This would create a side yard setback of 4.1 feet, which is 5.9 feet shy of the 10 feet required.

The property is located in a Residence A District, and is used as the Applicant's residence.

The proposed garage would be used to house the Applicant's convertible auto, which is used seasonally.

By Resolution dated July 2, 2003, this Board denied the Applicant's request for a variance to construct a smaller storage shed at the same location on the property. The shed has since been constructed in the rear of the Applicant's property.

It is not feasible to construct the proposed garage in the rear of the property, however, due to its larger size and the topography of the rear yard.

Applicant's neighbor on the side where the garage would be located (Gansle) appeared at the public hearing and spoke in support of the proposed project.

Applicant's neighbor directly across the street also provided a letter to the Board supporting the proposed project.

Other than the Applicant and his neighbor, no one spoke 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 Applicant, the Board determines that the proposed side yard variance will be granted.

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

The benefit sought by the Applicant 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 the minimum variance that is necessary and adequate to the Applicant's needs, while still preserving the character of the neighborhood.

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

The requested side yard 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 June 7, 2006 hearing, except as the same may be modified by the Town Building Department or Planning Board;
2. In the construction of the garage, the Applicant shall match, as nearly as possible, the existing roofing and siding on the home;
3. If it can be done without interfering with existing utility lines, the Applicant shall plant small trees to screen the view of the garage addition, similar to those in front of his neighbor's (Gansle) side garage addition. Applicant shall consult with the Town Building and Planning Departments regarding this planting.
4. The project shall be completed within the time required by section 128-89 (P) of the Town Code.

July 5, 2006

Michael Hodom  
Chairman  
Zoning Board of Appeals

- - -

Mr. Micelli made a motion that the Resolution be adopted, Mr. Hennessey seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None		None
Gilbert Brookins			
Leonard Micelli		Anthony K. Umina	
Mark hennessey			

(Resolution filed with the Clerk of the Town of Bethlehem on July 6, 2006.)

- - -

The next order of business was to consider the proposed resolution of The Delmar Reformed Church, 77 Adams Place, Delmar, New York 12054.

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

#### RESOLUTION

\* \* \*  
\*

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York ('the Board') seeking Variances under Article V, District, Use and Area Requirements, Section 128-28(C)(1)(a) (Accessory Uses) and Article XIII, Use and Area Schedules, Section 128-100, Minimum Rear Yards and Minimum Lot Coverage, requested by the Delmar Reformed Church ("Applicant," by John Leath, Property Chairman), for property at 77 Adams Place, Delmar, New York; and

WHEREAS, the Board, 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 June 7, 2006; 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 Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

#### FINDINGS OF FACT

Applicant is proposing to demolish a small porch at the rear of its residential structure on 77 Adams Place, Delmar and replace it with a one-story addition including a full basement, living area, half-bath and laundry area. The proposed new addition would be 18.43 feet from the rear lot line, which is 6.57 feet shy of the 25 feet required. The proposed addition would also create lot coverage of 20.22%, which is 0.22% over the 20% allowed. The proposed addition would also be located 4 feet from the existing accessory garage structure, which is 6 feet shy of the 10 feet required.

The property is located in a Core Residential district, and is used as a parsonage for the Church's Associate Pastor and his family. The proposed addition would enhance the structure's utility by providing increased living space.

Mr. Leath testified at the public hearing that he had not spoken with any of the neighbors of the Church about the project.

Other than Mr. Leath, no one spoke at the public hearing.

The Applicant's lot is typical of the small lots found in "old Delmar." Without a variance, the lot size often limits the owners' ability to make the sorts of improvements proposed in this case.

By Recommendation dated June 15, 2006 (Case No. 04-06/06-017), the Albany County Planning Board deferred to local consideration on the application.

#### 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 Applicant, the Board determines that the proposed variances (rear yard, lot coverage and accessory structures) will be granted.

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

The benefit sought by the Applicant cannot be achieved by some method other than variances.

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

The requested variances are the minimum necessary and adequate to the Applicant's needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variances has not been created by the Applicant.

The requested rear yard, lot coverage and accessory structure variances are 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 June 7, 2006 hearing, except as they may be modified by the Town Building Department and Planning Board;
2. In the construction of the addition, the Applicant shall match, as nearly as possible, the existing roofing and siding on the structure; and
3. The project shall be completed within the time required by Section 128-89 (P) of the Town Code.

July 5, 2006

Michael Hodom  
Chairman  
Zoning Board of Appeals

- - -

Mr. Hennessey made a motion that the Resolution be adopted, Mr. Micelli seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None		None
Gilbert Brookins			
Leonard Micelli			
Mark Hennessey		Anthony K. Umina	

(Resolution filed with the Clerk of the Town of Bethlehem on July 6, 2006.)

- - -

On a motion made by Chairman Hodom, seconded by Mr. Micelli, and unanimously carried by the Board, the minutes of the June 21, 2006, meeting were approved as amended.

The meeting was adjourned on a motion made by Mr. Hennessey, seconded by Mr. Micelli and unanimously carried by the Board.

Meeting Adjourned: 8:55 p.m.

Respectfully submitted,

---

Secretary