

**TOWN OF BETHLEHEM
BOARD OF APPEALS
June 4, 2003**

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
Gilbert Brookins
Marjory O'Brien

Patrick Seely Attorney to the Board

Mark Platel Building Inspector

ABSENT: Richard Lewis

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 for an Area Variance under Article IX, Accessory Uses, Section 128-36, Private Garages in a Residence District requested by Anthony Campigno for property at 35 Elm Avenue East, Selkirk, New York. The Applicant wishes to construct a detached garage, which will exceed the allowable storage of motor vehicles in an "AR" Zone.

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 from Article IX, Accessory Uses, Section 128-36, Private Garages in Residence Districts.

The Applicant wishes to install 2-garage doors on the detached garage, which will give a total number of storage spaces including the 2-car attached garage of four storage spaces. The code allows for a private garage in a residence district to not provide storage for more than 3-motor vehicles. The total number of proposed spaces will exceed the allowable by one space.

The existing structure is occupied as a single-family dwelling and is located in an "AR" Residence Zone. There is an existing permit on the detached garage that was issued on September of 2002.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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 June 4, 2003 at 7:30 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Anthony Campigno, 35 Elm Avenue East, Selkirk, New York for Variance under Article IX, Accessory Uses, Section 128-36, Private Garages in Residence Districts of the Code of the Town of Bethlehem for construction of a 2-car detached garage along with an existing 2-car attached garage will exceed the allowable. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the May 28, 2003 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. All questions and comments should be directed to the Board; we just ask that you come up; stand or sit close to the black microphone, introduce yourself and give us your questions. Mr.Campigno, would you just tell us what you want to do and what you have done and how you got started?

MR. CAMPIGNO: That's a long story. Originally way back when, I talked to Mark about putting a garage up. I thought I had everything kind of squared away, but I didn't. I had asked about - - I knew that I could only have 3- garage doors, but I didn't know that an 18-foot garage door would be considered a 2-car spot. I just figured it was just another garage door. So then I was trying to find out all the different things that had to go with that door as far as structural, whatever I needed to be structurally sound as far as over the garage door I need micro-lams, because it was an 18-foot span. I needed to get three 14-inch for that span. That's what Code was for that and I had to get - - for the trusses, I need to know exactly what I needed for Code for the trusses. So I got all that stuff squared away and then - - lets see, then I applied for the - I put in my - - well, at first I put in for just a slab for last year cause I didn't think I was gonna start the garage last year at all. But I ended up starting it, and I had submitted for the permit for the rest of the garage. And some time had lapsed and I had started doing some - just some basic work; putting up a few walls, I jumped the gun. I shouldn't have done that but I got the 4-walls up and I got the micro-lams up and then I had received a letter saying that it was denied; the permit was denied and then I came into the Town. I talked to Mark about - what do I do at this point and I was allowed to finish putting a roof on to protect it for the winter and since then I've stopped.

CHAIRMAN HODOM: But initially you had a building permit for the foundation only?

MR. CAMPIGNO: Just for the concrete.

CHAIRMAN HODOM: Okay.

MR. CAMPIGNO: Or just for the slab.

CHAIRMAN HODOM: And then you came back and submitted some drawings for the garage itself.

MR. CAMPIGNO: Yes, I did.

CHAIRMAN HODOM: And in that submittal, which must have been around early October- late November.

MR. CAMPIGNO: Okay.

CHAIRMAN HODOM: I'm only going by the letter from the Town of October 9th.

MR. CAMPIGNO: Okay, okay.

CHAIRMAN HODOM: You apparently show the upper structure of the garage with the number of doors. In that submittal how many doors did you show in the garage?

MR. CAMPIGNO: Just one, it was just the 18-foot door because I thought - - I still thought at that point that the 18-foot door was okay, cause it was only - I thought it was just one door.

CHAIRMAN HODOM: Okay. Did you prepare this drawing?

MR. CAMPIGNO: Yes, I did that the other day about a week ago, not even a week I don't think. Cause I'm going to change it, if I'm going to be able to have the 2-doors I'd rather 2-doors instead of one.

CHAIRMAN HODOM: Tell us what you're going to use the building for?

MR. CAMPIGNO: It's just storage mostly, I've gotta truck in there right now, I have lawn equipment, an 8-foot trailer that I pull behind my truck for getting whatever - wood, I was using it to get wood for the structure; my lawn mower needs repair or something. It's just an 8-foot trailer.

CHAIRMAN HODOM: Is it possible that - - I mean if you want 2-doors, can you live with an 8-foot door as you show here, and a 6-foot door?

MR. CAMPIGNO: I don't think the trailer would fit through it.

CHAIRMAN HODOM: But it would fit in the 8-foot door.

MR. CAMPIGNO: Then I wouldn't be able to put the truck in there.

CHAIRMAN HODOM: What kind of trailer is it?

MR. CAMPIGNO: It's a – I can't remember the name; I think a Weber or something like that. I'm not sure of the name of it.

CHAIRMAN HODOM: So you can't...

MR. CAMPIGNO: It won't fit through 6-feet, it's wider than 6-feet.

CHAIRMAN HODOM: Understood, but if you've got it into the 8-foot door, is it that you can't maneuver it to get into the other part of the storage building?

MR. CAMPIGNO: It probably be pretty tough to try to wiggle it around through there, I mean especially if the truck was in there. You'd have to move a truck out just to put a trailer away.

CHAIRMAN HODOM: What if you went to a 12-foot wide door for your one door?

MR. CAMPIGNO: Just for one door?

CHAIRMAN HODOM: Yes.

MR. CAMPIGNO: Then you'd still be in the same kind of situation, you'd have to move things out to get, you know to get one thing in you'd have to move other things out to get that in.

CHAIRMAN HODOM: So your basic reason is, you want to store one vehicle in this garage, or storage building?

MR. CAMPIGNO: Right.

CHAIRMAN HODOM: And then you're going to store other equipment or the trailer that you use?

MR. CAMPIGNO: A trailer and there's a – there's a thing that I pull behind my lawn mower, it's just like a vacuum system that collects the grass; that's in there. Other lawn equipment; a spreader for, you know fertilizer. I don't know, I've got it full of junk already and it's not even done.

CHAIRMAN HODOM: What is the size of this building?

MR. CAMPIGNO: 20 – what is it, yeah 24 by 20.

CHAIRMAN HODOM: 24-wide where the door is?

MR. CAMPIGNO: Where the door is.

CHAIRMAN HODOM: 20-foot deep?

MR. CAMPIGNO: 20-foot deep, you know and then some day my son, he wants a mini bike, you know that kind of thing is going to go in there.

CHAIRMAN HODOM: How many people in the family currently?

MR. CAMPIGNO: Four.

CHAIRMAN HODOM: How many vehicles in family currently?

MR. CAMPIGNO: Three.

CHAIRMAN HODOM: How many people in the house drive?

MR. CAMPIGNO: Just two.

CHAIRMAN HODOM: So the vehicle that's in the storage building is....

MR. CAMPIGNO: Is the truck that I – right now is off the road, but like in November I'll be putting it back on the road again for cleaning my driveway; it's got a snowplow on it.

CHAIRMAN HODOM: Had you had any discussions of this building with any of your neighbors? I realize the major neighbor is the drive-inn, but there is a house to the left of yours. Had you discussed any of this work with them?

MR. CAMPIGNO: Not really, I mean not much I don't think; just maybe a little bit.

CHAIRMAN HODOM: And in your conversations with your neighbors, were there any problems with that building?

MR. CAMPIGNO: I don't think so, no.

CHAIRMAN HODOM: Why did it take you so long to make application for the Variance, October 2002 to the current date?

MR. CAMPIGNO: Well there was nothing I was going to do over the winter time as far as working on the garage, so I just let it sit until about a month ago I guess.

MR. WIGGAND: When you received the permit to put the floor in, was there any talk at that time for the Building Department on what you were going to build there, are there

any pictures submitted or anything at all?

MR. CAMPIGNO: There was - - I think there was a little bit of talk about it, what I was going to - - cause they wanted to know what it was going to be for.

MR. WIGGAND: At that time, was that 16 or 18-foot door discussed or mentioned?

MR. CAMPIGNO: I'm not sure, I think - I can't remember. I know at one point I found out that I could only have 3-garage doors.

MR. WIGGAND: That's why you figured the 16 or 18-foot would be one garage door.

MR. CAMPIGNO: Right.

MR. WIGGAND: I understand.

MRS. O'BRIEN: Who told you that you could only have 3-garage doors?

MR. CAMPIGNO: I can't remember honestly.

MRS. O'BRIEN: You weren't told that you could only have storage for 3-vehicles?

MR. CAMPIGNO: No, I was told that I could only have 3-doors.

MRS. O'BRIEN: It was somebody here and...

MR. CAMPIGNO: I think so, yeah. I don't how I would have ever come up with it if it wasn't from somebody - - if it wasn't from somebody here.

MRS. O'BRIEN: And when you got the approval for the slab, was that for storage of 2-vehicles? You told them it was for storage for 2-vehicles, or just a garage?

MR. CAMPIGNO: There's not really 2-vehicles in there, it's...

MRS. O'BRIEN: Well you've got the trailer and the truck, that's 2-vehicles.

MR. CAMPIGNO: The trailer is considered a vehicle?

MR. PLATEL: No, motor vehicles.

MRS. O'BRIEN: It's not, okay.

ATTORNEY SEELY: The provision that we're looking at here, dash 36 says motor vehicle as opposed to vehicle, I tripped on that one to.

MRS. O'BRIEN: But you had told them at the time?

MR. CAMPIGNO: I'm not sure, do you remember Mark?

MR. PLATEL: I believe the first conversation we had was for a garage in storage, and I believe he said it was for his truck and for storage.

MR. CAMPIGNO: I remember saying something about putting my truck in there. I don't know what else I said though.

ATTORNEY SEELY: Before you constructed this garage, where were you keeping your truck and your trailer?

MR. CAMPIGNO: Well I recently bought another truck, so that truck is - - my new truck is in the garage attached to the house and my old truck has been out in the other garage for about a month, 2-months maybe, yeah about 2-months.

ATTORNEY SEELY: So before you bought this new truck, you parked the old truck in the current garage?

MR. CAMPIGNO: In the garage, in the current garage.

ATTORNEY SEELY: Okay.

MRS. O'BRIEN: But you had the trailer at the time that you got the permit for the slab?

MR. CAMPIGNO: Yes I did.

MRS. O'BRIEN: And you used it with the old truck?

MR. CAMPIGNO: With the old truck, right now I can't use that because I don't have a trailer, it's on my new truck.

CHAIRMAN HODOM: And you store the trailer outdoors?

MR. CAMPIGNO: I used to and it started to get – looking very bad, so I wanted to put inside before it was no good anymore.

CHAIRMAN HODOM: Is this a camping trailer?

MR. CAMPIGNO: No, it's a trailer that you – it's like a landscaping trailer; it's got a back gate that flops down on the ground. You can walk up it and you can drive a tractor on it or that kind of thing.

MRS. O'BRIEN: Do you have a business that you use that in?

MR. CAMPIGNO: I don't have a business that I - - I don't have any type of business at

all. I work at General Electric and that's all I do.

ATTORNEY SEELY: You said that you have lawn equipment?

MR. CAMPIGNO: That's for my own house. I don't go any place and use it for a commercial type of thing.

MR. WIGGAND: You've got a large lot there.

MR. CAMPIGNO: Yeah, there's quite a bit of grass to cut.

MR. WIGGAND: I was down there today; there was no one there today. I walked around the back of the back of the garage there. If this was approved, is this the plan that you would be using for the 2-doors, not the one?

MR. CAMPIGNO: Yes 2-doors, not the one door.

MRS. O'BRIEN: Are you planning to black top or have people black top to that garage?

MR. CAMPIGNO: No, but at first it's probably going to be just stone and then eventually black top to match the rest of my driveway.

CHAIRMAN HODOM: Any other questions from the Board? Any questions or comments from the audience? Please just introduce yourself and give us your address.

MRS. WOOD: Okay, my name is Jean Wood, 32 Elm Avenue East. I live directly across the street from Anthony. My comments would be that I would hope that Anthony would receive this Variance for a number of reasons that you've already brought up.

First the property is very large. I didn't even realize in going back and forth that Anthony had put the structure up. You have to be going towards Delmar to see it behind the house on the right.

Secondly, Anthony has done such, I think, an excellent really outstanding job on taking that piece of property, which was really just bushes and some trees. He's done an exceptional job in clearing that and putting up a very attractive home and maintaining it beautifully with some of the equipment that he's talking about. He's always out there mowing and he plows me out in the winter, which has nothing to do with anything commercial, it's just that he happens to be such a good neighbor and I think the landscaping that he's done and the maintenance that he's done and the way that he has used that property to make it beautiful and to add to the neighborhood. To me it's all very logical that he needs a place to put this little trailer thing that he hauls things around. I think he needs space for that like a lot of other people do and he has his vehicle that he drives and his wife Kathy has a vehicle she drives. And the kids are always riding around on their little bikes and stuff and families take up space with their things, and grown up toys. I think that there would be absolutely no objection on the part of any neighbor. If

anything I would want to support this in any way that I could. It's a very attractive thing from what I've seen so far, it's just not finished and it seems to me that it would be a handsome building when it's finished because I know how Anthony does things. I know that it would be well maintained; I mean it's impeccable over there.

So, I would hope that whatever concerns or issues you might have could be resolved so that he can just simply have that Variance and go ahead and put it up. And he has a little rotor tiller thing that helped me a lot to and that's always just way of being a neighbor, so I would just want to lend my support to his receiving the Variance and that the Town is pleased and he's able to go ahead with what he needs and wants to do.

CHAIRMAN HODOM: Thank you very much.

MRS. WOOD: You're welcome.

CHAIRMAN HODOM: Yes, sir?

MR. DUNN: Yeah hi, I'm Bob Dunn and I live across the street at 22 Elm Avenue East. I live across the street from Anthony and I'm here in his support. The building in question, at least from our view across the road is barely visible. I have no objection what so ever, I mean I don't care how many doors he has. Anthony does a great job over there and keeps his place really nice and if I might ask a question, what is the 3-door rule?

CHAIRMAN HODOM: It's a storage of motor vehicles to a maximum of 3-vehicles per single family dwelling.

MR. DUNN: Oh, it's the vehicles then that's in question.

CHAIRMAN HODOM: That's correct. Is that correct Mark?

MR. PLATEL: Well, it's - - I can read it right out of here.

MR. DUNN: I mean I just don't understand the...

ATTORNEY SEELY: It's not a 3-door rule, you're allowed to have storage or garage storage for up to 3-motor vehicles on a property. It's a 2-car garage on the house and we're adding two more, that's how we get up to over three.

MR. DUNN: So that you would consider that as being per motor vehicle storage then?

ATTORNEY SEELY: Correct, even if it wasn't intended...

MR. DUNN: Even if it wasn't use for that.

ATTORNEY SEELY: Even if it wasn't actually used for that, it could be. That's how the Code is written so it's not a 3-door rule, it's more like a 3-car rule.

MR. DUNN: 3-car rule.

ATTORNEY SEELY: It was for garage spaces.

MR. DUNN: Okay, thank you.

CHAIRMAN HODOM: You're welcome, thank you. Anyone else? Anyone wishing to speak in opposition to the Applicant? Hearing no further questions or comments we'll declare the hearing closed and we will notify you in a timely manner Anthony. Thank you very much.

MR. CAMPIGNO: Thank you.

Hearing closed 7:52 p.m.

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The next order of business this evening is a public hearing for an Area Variance under Article XVII, Side Yards, Section 128-73, Required Widths requested by Thomas and Joanne Coffey for property at 47 Clifton Way, Slingerlands, New York. The Applicant wishes to construct an attached storage shed, which will encroach into the Side Yard setback requirement at the premises of 47 Clifton Way.

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

MR. PLATEL: Yes, Mr. Chairman. The Applicant is seeking an Area Variance from Article XVII, Side Yards Section 128-73, Required Widths.

The Applicant would like to construct an attached storage shed to the existing main structure that will create a side yard setback of 6.15-feet, which is 1.85- feet shy of the 8-foot required. The existing structure is occupied as a single-family dwelling and is located in an "A" Residence Zone.

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 of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, June 4, 2003, at 7:45 p.m. at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Thomas and Joanne Coffey, 47 Clifton Way, Slingerlands, New York for Variance under Article XVII, Side Yards, Section 128-73, Required Widths of the Code of the Town of Bethlehem for construction of an attached storage shed, which will encroach into the Side Yard setback requirement at premises 47 Clifton Way, Slingerlands, New York 12159. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the May 28, 2003 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; you'll make your presentation; we'll entertain any questions or comments from the audience. Mr. Coffey, just tell us what you want to do and why you want to do it and how you want to do it.

MR. COFFEY: Okay, like most other people I have accumulated too much stuff. I have a tractor; I maintain about an acre lot and it's got a severe slope in the back yard so I have a very large tractor that is approximately 8 and ½ feet long by about 5 and ½ feet wide. It takes a good portion of my garage. Within my garage I also have a snow blower and winter tires and a freezer, refrigerator and all the other stuff that you would have in a garage; 4 bicycles. What I'm going to do is construct the garage – the shed so that I can put my summer furniture in there and during the summer I can be able to get my car in a protected area along with my tractor. Right now with the tractor in the garage, I can't fit my car in there as well. So I'm looking for additional space to match up with the house so that it looks respectable and I have good use of my property. It's a rather large lot, I think you have copies of it and so I do need a big tractor. In fact when I first had the house built, I bought a tractor and I had to upgrade it because it wasn't sufficient to traverse the yard. It's a deep slope and I was sliding down the hill so I do have a rather large John Deer tractor.

CHAIRMAN HODOM: Let me ask you, I think your application mentioned a 10 by 18-foot shed and then you had a drawing here, an elevation; side elevation, which says the attached shed is 10-feet by 23-feet.

MR. COFFEY: Yeah, my initial thought was to make it 10 by 18 and stop at the beginning of the chimney, and thinking about it during the process I said well I probably should – if I can take on an additional 5-feet, I would just take in the chimney. So it's 5 by maybe 7-feet; just to give me additional space. In fact what I wanted to do is I brought my neighbor with me that has the similar - - I'm kind of mirroring the project that he did on his house and he's actually the property that will be right next door to where the shed is. You never have enough space, so I wanted to have it look natural and I had the architect look at it. If he did the roof that was, what do they call it, a hip roof. It would look better if I took in the chimney as well as did my neighbor.

CHAIRMAN HODOM: Are you asking for the 10 by 23 or the 10 by 18?

MR. COFFEY: 10 by 23, I sent an addendum in probably a week or so ago I think. Is that about right Mark?

CHAIRMAN HODOM: That's what this is?

MR. COFFEY: Yes, you can see I've got the – along the bottom of the page I have 7-

foot from the corner, or 23 and the n 6 beyond that.

CHAIRMAN HODOM: How wide is your tractor?

MR. COFFEY: About 5½ feet by 8½ feet.

CHAIRMAN HODOM: And that would fit into a 6-foot wide door?

MR. COFFEY: It would fit into a 6-foot wide door, yes it would.

CHAIRMAN HODOM: I guess the question is that if you made this shed 8-feet wide, you wouldn't be in front of this Board this evening.

MR. COFFEY: Right.

CHAIRMAN HODOM: You would be in compliance with all of the ordinances.

MR. COFFEY: You're probably right, if I could fit in. That way I don't want to squeeze into the garage, there's all the additional stuff that I want to put in there as well.

CHAIRMAN HODOM: True, but I'm just saying an 8 by 18 or 8 by 23...

MR. COFFEY: Actually, I'd like to put a 7-foot garage door so it would lend itself so it would blend better with the house. We're trying to make it look like it was originally built with that attachment so that it looks nice. That's what I'm trying to do. So that it actually looks like a part of the original construction. But to answer your question, yes that would be correct.

CHAIRMAN HODOM: Okay. I was out there yesterday I think, and I noticed your neighbor had a new shed.

MR. COFFEY: Did a nice job, yeah.

CHAIRMAN HODOM: His is 10-feet wide.

MR. COFFEY: Yes.

CHAIRMAN HODOM: But apparently it was in compliance with the Code.

MR. COFFEY: Well, if you look at my house, I have a wrap around porch so our lots are large; it's a 100 and some feet, but it actually pies out but they had to move my - - when they centered my property it didn't have as much room on each side because I have a 6-foot wrap around porch. Well you can see it in the picture. That's why - - that's where the squeeze comes from.

CHAIRMAN HODOM: How many cars do you currently own?

MR. COFFEY: Two.

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

MR. COFFEY: Yes I have.

CHAIRMAN HODOM: Did you show them the plans that you...

MR. COFFEY: I just discussed it; I said it's going to mirror what Mr. Gansle did on his property basically is what I indicated. And that's what I intend to do.

CHAIRMAN HODOM: And how many neighbors did you have contact with?

MR. COFFEY: Several within my immediate - - I see them on a regular basis. Maybe 6 or 7 of my neighbors; immediate neighbors.

CHAIRMAN HODOM: And the comments were?

MR. COFFEY: No problem, we're very friendly neighborhood, we all look out for each other. We all were moving in at the same time. It's a lovely environment to live in.

MRS. O'BRIEN: Mr. Coffey, are you intending to black top around to the front of that?

MR. COFFEY: I would grade it up to the garage door so it matches what the existing house has, that's what I'd like to do.

MRS. O'BRIEN: And put black top?

MR. COFFEY: Yes, black top. I'd just pull my driveway out to put it so it looks like - - I want it to look like, I want it to look like original construction.

MRS. O'BRIEN: Now you say you're going to go back to encompass the chimney another 5-feet.

MR. COFFEY: Approximately, yes.

MRS. O'BRIEN: It would look like if you took - if you moved the 10 by 18-foot or however big the structure, back the 5-feet, you wouldn't have a problem with the 8-foot side yard either.

MR. COFFEY: Probably not. Yeah, because of the shape of the lot I just don't think it would look like...

MRS. O'BRIEN: It's still...

MR. COFFEY: And I don't think it would look natural, it wouldn't look like it was my original design if I did that. I think it would look choppy.

MRS. O'BRIEN: But it's set back already.

MR. COFFEY: Pardon me?

MRS. O'BRIEN: It's already setback 7-feet.

MR. COFFEY: It's set back just beyond the door like you would do that if you had a originally a side on a house; that's the way he would do it. He wouldn't encroach on the door, you would set it back a bit from the door so that it looked like it was - - it would have - the house kind of naturally flowed I guess is the way I feel. And I've seen other houses like it, I looked around before I did it and actually looking at my neighbors Bernie's - his property, it looks quite nice.

MR. BROOKINS: There's a, I believe it's a gas meter there and I think maybe another utility, maybe electric service. Have you considered...

MR. COFFEY: Right, I've talked to the power company they said there's no problem. We have the drive by meter reading now where they go by 15 miles an hour and it picks up...

CHAIRMAN HODOM: It's all digital?

MR. COFFEY: Yeah, digital. Is that what it is? Yes, so that's not a problem.

MR. WIGGAND: So you're saying that wouldn't have to be moved then?

MR. COFFEY: It wouldn't have to be. I was told by the power company it would not have to moved; that's correct.

MR. WIGGAND: Well that takes care of the question I had for you.

MR. COFFEY: Okay.

ATTORNEY SEELY: Mr. Coffey, is that a woodpile that's there right now?

MR. COFFEY: Not any more. Yeah it was I had a regular fireplace that I converted to a gas fireplace this past winter. That's gone now, just graded and I have plants around the meters and things.

CHAIRMAN HODOM: How long have you live at the residence?

MR. COFFEY: 9-years, 8-years we had our house built about 8 or 9 years ago.

CHAIRMAN HODOM: How long have you had the tractor?

MR. COFFEY: The larger tractor, about 4-years maybe.

CHAIRMAN HODOM: And you used to store that in the garage?

MR. COFFEY: Yes. I'd have to disassemble it to do it - - put it in the garage and still the car wouldn't fit in the garage. It's large; the garages aren't big enough. I always thought you were glutton as to have a 3-car garage, but I found that that's not the case anymore. The stuff that you accumulate, especially if you want to maintain your yard; if you saw my house it's maintained quite well I think isn't it?

CHAIRMAN HODOM: It is, it look very nice. I thought you did that just for us.

MR. COFFEY: No, I do that for everybody. I do. I take great pride in maintaining my house, and that's why I want to put - - I want something to look like it was actually there. The reason why I don't want to put a shed in the back yard, I don't know if you saw the back, a lot of yards adjoin each other and we've got natural habitat behind the house that I didn't want to affect my neighbors view, or our view of the woods.

CHAIRMAN HODOM: And you have a pretty quick slope off the back there.

MR. COFFEY: Yeah, I would take off - - I can still put one in the yard in a fat area if I had to, I just think that it would - - I think it would detract from our natural backdrop. That was one of the reasons why all of us moved there is because of the natural setting behind. We're fortunate to have that and I wouldn't like to obstruct that.

CHAIRMAN HODOM: Are you currently under contract to have this done?

MR. COFFEY: No, no I had to wait for this. I had a couple people come in and give me prices, I haven't done that it was a couple of months ago, but I didn't want to proceed before I had approvals. I didn't want to pay for the architectural plans to be drawn, that would have been 500.00 I believe, so I didn't do that because I didn't want to make an investment if it wasn't going to be approved by the Board.

MR. WIGGAND: Mr. Coffey, you understand you're asking for, what is it 6-foot 1 or something?

CHAIRMAN HODOM: It's 6.5.

MR. PLATEL: Point 15.

MR. WIGGAND: .15, okay.

MR. PLATEL: 6-feet, 2-inches.

MR. WIGGAND: 6-feet, 2-inches okay. Well you realize that if this becomes approved that - - well first off the reason that I'm bringing it up, I was down there also today and no one home. I did some measuring or tried to do some measuring and I couldn't find exactly where that property line was, there's nothing telling me where it was, but as I measured that 10-feet out and I was guessing kind of about where that property line was; where everything seemed to be. That's quite critical, you know if this was approved. Did you have any kind of a survey on that property line?

MR. COFFEY: Yeah, I had a survey. There's stakes, I've scoped it, I've also run lines to see where it is.

MR. WIGGAND: Okay, so you know exactly where it is. That's quite critical there, you know that...

MR. COFFEY: What do you mean by critical?

MR. WIGGAND: Well I mean critical because if we approve it for 6-½ feet, approximately, that's what it's approved for. I couldn't quite come up with that by running my trusty tape across there.

MR. COFFEY: Oh okay, well we did that. I ran a line from my - - I've got a couple of stakes that I had Kim put in when we had our property, I ran stakes so that I knew where all our boundaries were. If you go a couple of feet, 2-feet past the side door it's - - I think Mark calculated it better than I did. I wasn't able to do that.

MR. WIGGAND: See where the side of your house - - did you draw this?

MR. COFFEY: Yes, I did.

MR. WIGGAND: This is quite more of a bold property line compared to the original property line. The original seems to follow it back almost parallel with it.

MR. COFFEY: Yeah, I had my house centered on the lot when I had it built. If you see most houses are square with the street. I had the house centered on the lot and yeah, it does pie out considerably, and I don't even know if it encroaches on the property if you go back 20-feet or not. I couldn't really figure that out.

MR. WIGGAND: It's a little confusing when I look at this drawing here, like the one you had there.

MR. COFFEY: Okay.

MR. WIGGAND: It looks like this addition is going to be following pretty much the property line on that drawing.

MR. COFFEY: Well, it's going to following the house, the property line does pie out a little bit to the right.

MR. WIGGAND: But this one doesn't.

MR. COFFEY: Yeah, it does.

MR. WIGGAND: This one here pies out pretty good.

MR. COFFEY: Well, I'm not an engineer.

MR. WIGGAND: That's why I just asked the question which one are we following here?

MR. COFFEY: Well, it would be 18 by 23 if you look, I think Mark probably did a better job on expanding it there. It looks like it's...

MR. WIGGAND: But that is the location of the home on that official map?

MR. COFFEY: That's correct, yes and the addition - - the darkened area there would be my request to put in the shed there.

MR. WIGGAND: Okay, it has not been changed in any way?

MR. COFFEY: No, it's just extended to encompass the chimney is what I hope to do.

CHAIRMAN HODOM: Mr. Coffey, would you just describe the layout of your home currently as it exists? What is behind the garage as you go towards...

MR. COFFEY: Family room.

CHAIRMAN HODOM: It's a family room

MR. COFFEY: Yeah.

CHAIRMAN HODOM: And what's off to, as your looking at it from Clifton Way, what's off to the left?

MR. COFFEY: Here I'll point. You want the rooms on it, where the rooms are?

CHAIRMAN HODOM: Yes.

MR. COFFEY: This would be the garage obviously, behind that's the family room. This is the kitchen with a slider. This is the wrap around porch right here. The dining room is here. The living room is over here, in back is a laundry room and that's about it.

CHAIRMAN HODOM: You have a deck back there somewhere?

MR. COFFEY: Yeah I do, it's in the back of the house.

CHAIRMAN HODOM: I'm just looking for another location perhaps where you'll might be able to put the shed and still attach it to the house.

MR. COFFEY: Don't - - not a place to do it really. The deck goes from my wrap around porch all the way over to my sliders; it's 16 by like 40/50-foot deck, or something like that. It's a large deck. It goes out 16-feet and obviously I couldn't attach it to the back.

CHAIRMAN HODOM: Did you prepare this as well? Is that something recent that came with the 23-foot depth?

MR. COFFEY: No, that came with the - that came with the original application.

CHAIRMAN HODOM: Are you changing the front?

MR. COFFEY: No, I was just trying to depict what it would look like from the front. Once again, I didn't know how to draw a setback shed. If you look at that from the front it would a...

CHAIRMAN HODOM: I think you had mentioned earlier that you were talking about installing a hip roof.

MR. COFFEY: Yeah, well I had somebody come and tell me that there would be a problem with the - with the chimney; if I had a roof go up and down, this is just recently I had somebody come, he said that would be a collection area and that stuff would melt and go behind it and be a problem, so I still want to keep the front pitch to match the roof line along here and then put-you would put a hip roof in.

CHAIRMAN HODOM: And then the gables would remain as you show on this plan?

MR. COFFEY: The gable would have to change on that. I guess it would have to - - from the front it would mirror - - it would parallel, if you look at the front you'd have a flat roof and then you'd have a hip at the top, like I said that's what they call a hip roof so that I wouldn't be pitching snow into the corner. I didn't realize that the original - - the person that first looked at it didn't advise of that and it was advise well taken, that could be a source of trouble in the future.

CHAIRMAN HODOM: What is your proposed construction schedule, should the Board approve the application?

MR. COFFEY: I don't have one; it'll have to fit in with the schedule of the contractor. I don't know what his schedule is. I just want to - - I'd like to get it done this year, that's all. I'm not in a rush to do it. I'm leaving my car outside. I'm told it would only take about 2-weeks to do the work though.

CHAIRMAN HODOM: The materials that you propose to use for the shed will match your home; siding and roofing and...

MR. COFFEY: Soffit, everything will have to - - we bought it – originally it came from the randex, the soffit everything has to match. The doors have to match, the siding has to match the soffits, the widths the depths, everything has to match. I want to look like it was original. I don't want it to look anything but that; same guttering system. I did bring, oh we didn't get to that.

CHAIRMAN HODOM: Pardon?

MR. COFFEY: I was going to say; I was jumping the gun. I wanted to say I brought my neighbor with me, but that's something that comes along.

CHAIRMAN HODOM: Any other questions from the Board? Any questions or comments from the audience? Just introduce yourself if you would and give us your address.

MR. GANSLE: Okay, my name is Bernie Gansle. I live at 43 Clifton Way, the lot to the right and I don't have a problem with Tom building a shed there. I have no complaint about that.

CHAIRMAN HODOM: What size is your shed?

MR. GANSLE: What's that?

CHAIRMAN HODOM: What size is your shed?

MR. GANSLE: Mine is 10 by 23.

CHAIRMAN HODOM: Okay.

ATTORNEY SEELY: And we couldn't have you have 10 by 18 then could we?

MR. COFFEY: Well, you have to keep up with the neighbor's, that's right.

CHAIRMAN HODOM: Anyone else have any questions or comments or wishing to speak in favor of the Applicant? 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. COFFEY: Okay, thank you all.

Hearing closed 8:15 p.m.

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The next order of business this evening is a public hearing for an Area Variance under Article XII, Percentage of Lot Occupancy, Section 128-50, Single Family Dwellings requested by Stephen Picarazzi for property at 59 Royal Boulevard, Delmar, New York. The Applicant wishes to construct an addition, which would exceed the percentage of lot occupancy at the premises of 59 Royal Boulevard.

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

MR. PLATEL: Yes, Mr. Chairman. The applicant is seeking an Area Variance from Article XII, Percent of Lot Occupancy, Section 128-50, Single-Family Dwellings.

The Applicant wishes to construct a 668.17 square foot addition to the existing 2,119.8 square foot main structure that will create a total main structure of 2,797.97 square feet. This is 545.92 square feet over the 2242.05 square feet allowed. The lot occupancy will be 18.65 percent, which is 3.65 over the 15 percent allowable.

The existing structure is occupied as a single-family dwelling and is located in an "A" Residence Zone.

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 of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, June 4, 2003 at 8:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Stephen Picarazzi, 59 Royal Blvd., 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 the premises 59 Royal Blvd., Delmar, New York 12054 Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the May 28, 2003 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 this evening; we'll hear the Applicants presentation; we'll entertain any questions or comments from the audience. Steve, just introduce yourself, tell us what you want to do and why you want to do it.

MR. PICARAZZI: Okay, I'm Steve Picarazzi and what I'm trying to do is create more living area in my house. I have at this point a very small kitchen and no dining area and no family area – no family room area I should say. I have an existing garage that I can make into a family room. I have an existing breezeway that connects the garage and the house that's not heated, that's on a slab that could become a dining area, but in order to

make that a dining area I have to open up this area. By doing so I lose my garage and I really have to have a garage. I have lawnmowers, 2- vehicles, rototiller; a woodpile in it, a work area and it's not something I really can be without.

CHAIRMAN HODOM: How long have you lived at the location, Steve?

MR. PICARAZZI: Since October of 97'.

CHAIRMAN HODOM: I think it was only about 123 square feet allowable for expansion on the site so it is a small site. Had you contacted the neighbors and discussed what you proposed to do with it?

MR. PICARAZZI: Well, what I did and no one loved me enough to come with me but they were willing to sign this letter stating that they didn't object. This is a copy of the plans that you have, if you'd like to look at them, but I did show each one of them these plans and explain to them what I was attempting to do.

CHAIRMAN HODOM: Okay. Then you prepared this and you obtained the original signatures?

MR. PICARAZZI: Yeah, I prepared and I went - - the seven names are the 3-houses immediately across the street and the two on my left and right. Two this way and two that way.

CHAIRMAN HODOM: And they were all in favor of your proposed addition?

MR. PICARAZZI: Yes.

CHAIRMAN HODOM: Any in opposition?

MR. PICARAZZI: None.

MR. MAEDER: May I see that piece of paper?

ATTORNEY SEELY: Sure, after we pass it around.

MR. MAEDER: I'll wait.

CHAIRMAN HODOM: Do you currently have a family room in the house?

MR. PICARAZZI: No.

CHAIRMAN HODOM: Is there a second floor?

MR. PICARAZZI: No, it's 1-story.

CHAIRMAN HODOM: Is there a basement?

MR. PICARAZZI: There's a basement, it's somewhat finished but it's not a livable area; no. It's really just a storage room and a laundry room.

CHAIRMAN HODOM: I noticed you showed a new deck up in the back off the existing garage.

MR. PICARAZZI: Which would become the family room.

CHAIRMAN HODOM: Right, but that deck is not going to be roofed over?

MR. PICARAZZI: No.

CHAIRMAN HODOM: That's an open deck.

MR. PICARAZZI: That's an open deck.

CHAIRMAN HODOM: The house will remain a single-family dwelling?

MR. PICARAZZI: That's correct.

CHAIRMAN HODOM: Your intention is not to have this, what you refer to as a great room become a in-law apartment or...

MR. PICARAZZI: Absolutely not.

CHAIRMAN HODOM: Or rental unit of any kind?

MR. PICARAZZI: No.

CHAIRMAN HODOM: There will be no other utilities...

MR. PICARAZZI: What I would really would like to do is just put a big T.V. in there and sit in there and watch T.V.

CHAIRMAN HODOM: There's a bump out where the fireplace for the chimney, but there's no dimension on that. Do you know what that dimension is?

MR. PICARAZZI: Mark and I discussed that yesterday, that needs to be moved inside 5-inches.

CHAIRMAN HODOM: To stay within the 8-feet?

MR. PICARAZZI: To stay within the 8-feet, right.

CHAIRMAN HODOM: Okay. So that's being handled by the Building Department, we don't actually discuss that.

MR. PLATEL: He told me that he would move that in there, yes.

CHAIRMAN HODOM: Okay.

ATTORNEY SEELY: Mr. Picarazzi, you mentioned that you had some lawn mowers, plural, and rototiller?

MR. PICARAZZI: Well I have a rototiller and I have a push mower and I have a riding mower that I don't have there right now because I don't have a place to keep it.

MR. WIGGAND: I visited the site today to, and no one was there. I rang the doorbell a couple of times and I can see where you were kind of crowded in that garage, you had a number of things in there.

MR. PICARAZZI: Yeah, that's tight and so is that little breezeway area.

MR. WIGGAND: I have one question, how come these two measurements don't jive? I haven't quite figured that out as far as - - one is inside and the other is outside?

MR. PLATEL: These are inside dimensions.

MR. PICARAZZI: Right. See this is a block building.

MR. WIGGAND: Yes.

MR. PICARAZZI: Okay, and this will be a wood building so that this when it's enclosed - when it's studded and sheet rocked is going to have a lot thicker than this.

MR. WIGGAND: Oh so I see, this is going to be the inside measurement then.

MR. PICARAZZI: That's correct.

MR. WIGGAND: Now I understand.

MR. PICARAZZI: Okay.

MR. WIGGAND: I saw there was quite a difference there in measurements and such.

MR. PICARAZZI: We figured that the block wall would have to be studded and we weren't sure whether it was going to have to be - - my builder was going to check 4 or 6-inch studding before the sheet rock.

MR. WIGGAND: Yeah, because it probably has 8-inch block under that wall in that

garage. Now I understand what you did.

CHAIRMAN HODOM: Are you currently under contract to have the work done?

MR. PICARAZZI: I have a contract; I have a builder that's currently available pending on the time frame of my approval. My financing has been approved.

CHAIRMAN HODOM: What is your proposed construction schedule if the Board were to approve the application?

MR. PICARAZZI: Well my contractor said he could start by the end of the month.

CHAIRMAN HODOM: And completion would be?

MR. PICARAZZI: Approximately 6 to 8 weeks.

MR. BROOKINS: How many in the family?

MR. PICARAZZI: There's two of us living there regularly. I have two daughters that are at college and they're with me from time to time; and a dog.

MR. BROOKINS: I noticed the neighbor has one to.

MR. PICARAZZI: Oh yeah, he's...

MR. BROOKINS: I'm not sure which of us was more surprised.

MR. PICARAZZI: I think he's all bark though; never hurt anybody.

MR. BROOKINS: I wasn't going to test it.

MR. PICARAZZI: But he can scare you.

MR. WIGGAND: You mean there was a dog down there somewhere when I was walking around it?

MR. PICARAZZI: Around the back yard next to me.

MR. MAEDER: Stop picking on Melvin.

CHAIRMAN HODOM: It is Melvin, you're right Doug. He was out there when I was there to.

MR. PICARAZZI: But see he's got an invisible fence, so he won't come after you.

CHAIRMAN HODOM: The architecture that you're proposing to use Steve will blend

in with the existing home?

MR. PICARAZZI: Exactly.

CHAIRMAN HODOM: Siding, roofing, windows, structures?

MR. PICARAZZI: Same builder.

MR. WIGGAND: Are you using the builder that built your home?

MR. PICARAZZI: He did some of that and he did the other addition. He built the house across the street and the house right next to me also.

MR. WIGGAND: So he knows what the house is then, that makes it a little easier.

CHAIRMAN HODOM: Any other questions from the Board? Any questions or comments from the audience? Please come up to the front here if you would and identify yourself and give us your address.

MR. MAEDER: Doug Maeder, 95 Jordan Boulevard, Delmar. That map is wrong; I own the property, which says lands of Vincent Spinosa. We're adjacent to this property, and I have no objection. I only speak because I have no objection to the construction because it's the front of the house and it would have no affect; no impact what so ever on my property.

MR. PLATEL: The only thing wrong with the map is the names on it?

MR. MAEDER: Yes.

MR. PLATEL: Oh, okay. I thought you said there was something wrong with the lot lines or something.

MR. PICARAZZI: No, no he owns Vincent Spinosa's property.

MR. PLATEL: Yeah, okay. I was looking for something that was 5-feet off or something.

MR. MAEDER: It's fine, I have no problem, you know because I can't see it anyway, but it's a vacant lot so my tomato plants don't care either.

CHAIRMAN HODOM: Do we allow tomato gardens in the Town?

MR. PLATEL: Yes, we do.

MR. MAEDER: I also have a vineyard.

ATTORNEY SEELY: Now you're getting close.

CHAIRMAN HODOM: Any other questions or comments from the audience? Anyone desiring to speak in favor of the Applicant? Anyone desiring to speak in opposition?

MR. MAEDER: Oh, I'm in favor.

CHAIRMAN HODOM: I just wanted to make sure no one else was. Marie is here and this young gentleman is here so I'm giving them an opportunity to. Hearing no further questions or comments we'll declare the hearing closed and notify you in a timely manner. Thank you Steve.

MR. PICARAZZI: Thank you.

Hearing closed 8:30 p.m.

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The next order of business was to consider the application of George Magony, 455 Elm Avenue, Selkirk, New York. The application was found to be in order and Mr. Wiggand made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by George Magony, 455 Elm Avenue, Selkirk, New York for Variance under Article XI, Height Regulations, Section 128-44 (C), General Limitations for construction of a garage, which will exceed the height requirement at premises 455 Elm Avenue, Selkirk, New York, it is hereby ordered that a public hearing on this matter be held July 2, 2003 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.

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The next order of business was to consider the application of Douglas Bender, 14 Quail Hollow Road, Glenmont, 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 Douglas Bender, 14 quail Hollow Road, Glenmont, New York for Variance under Article XVIII, Rear Yards, Section 128-79 A(2), Required Depths, for construction of a 4-season sunroom over an existing deck,

which will encroach into the Rear Yard Setback requirement at premises 14 Quail Hollow Road, Glenmont, New York, it is hereby ordered that a public hearing on this matter be held July 2, 2003 at 7:45 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 Vincent and Eloise Potenza, 11 Peel Street, Selkirk, New York for Area Variance under Article XVI, Front Yards, Section 128-66, Required Depths, Article XVII, Side Yards, Section 128-73, Required Widths for construction to the front and to the side of the existing dwelling, which will encroach into both the Front Yard and Side Yard requirement at premises 11 Peel Street, Selkirk, New York. The following points were brought up by the Board members: The left side elevation change is not a drastic concern. The minutes reflected that Mr. Potenza would make necessary adjustments to the proposed plans to maintain the required side yard setback. There may be other possibilities for construction that would eliminate the front yard setback. The vote was tabled for full Board attendance.

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The next order of business was to consider the proposed resolution of Joyce DeSantis, 18 Hedgerose Lane, Delmar, New York 12054.

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

RESOLUTION

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WHEREAS, an application has been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Joyce DeSantis, 18 Hedgrose Lane, Delmar, New York 12054, for Area Variance under Article XVII, Side Yards Section 128-73 required depths at said premises; 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 May 7, 2003; 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

("Applicant") is one of the co-owners of property located at 18 Hedgerose Lane, Delmar, NY ("the Property") and seeks a variance under Town of Bethlehem Code Chapter 128, Article XVII, Section 128-73 for the approval of an existing fence that was constructed to a height of 6 feet with one foot of lattice at the top.

The property in question is in Residence Zone A in which fences may be six feet tall as long as at least the top two feet are translucent. Applicant desires to keep the fence as constructed in order to keep her dog within the back yard and to protect a mentally disabled adult that the applicant cares for periodically when his parents are away. The applicant indicated that the adult can climb the fence as constructed because the horizontal supports serve as steps when he climbs the fence. The applicant is concerned he will be able to leave the yard and jeopardize his safety in the street. The applicant indicated he is not a threat to himself or others.

The fence contractor's proposal set forth two options of six feet fences, one with one foot of lattice and one with two feet of lattice. The applicant did not recall if the contractor indicated whether one proposed fence was permitted and the other would not be permitted. The Board requested that the Applicant's fence contractor, Haley Brothers, Inc., appear at the hearing to discuss the construction. The Applicant stated she requested the contractor to appear, but no one from the fence contractor appeared at the adjourned hearing.

The Applicant reported that her fence contractor estimated it would cost \$750 to bring the fence into conformance with the town ordinance. She would understandably prefer not to have to bear that cost.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that the Applicant requires a variance to maintain the existing fence in violation of the fence ordinance. After reviewing the application, pictures submitted and testimony at the hearing and adjourned hearing, the Board determines that the proposed variance will be denied.

The Applicant did not present information indicating the existing fence as constructed, as compared to a fence in conformance with the town ordinance, would achieve her stated goals of detaining her dog or the person for whom she periodically cares.

Accordingly, the Board denies the Applicant's request for a Variance to maintain the existing fence in violation of the town ordinance.

June 4, 2003

Michael Hodom
Chairman
Board of Appeals

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

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

(Resolution filed with the Clerk of the Town of Bethlehem on June 5, 2003.)

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The next order of business was to consider the proposed resolution of Joseph and Angela Berdar, 10 Conestoga Drive, Slingerlands, New York 12159.

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

RESOLUTION

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WHEREAS, an application has been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Joseph and Angela Berdar ("Applicants"), 10 Conestoga Dr., Slingerlands, NY ("the Property") for Area Variance under Article XII, Section 128-50, Lot Occupancy in order to construct a three-season room at said premises; 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 May 21, 2003; 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

Joseph and Angela Berdar ("Applicants") are the co-owners of property located at 10 Conestoga Dr., Slingerlands, NY ("the Property") and seek a variance under Town of Bethlehem Code Chapter 128, Article XII, Section 128-50 for the construction of a three-season room to be added at the Property on top of an existing deck.

The property in question is in Residence Zone A in which lot occupancy may not exceed 15% of the land. The proposed 288 square foot addition will increase the footprint of the home from 1,685.56 Square feet to 1973.56 Square feet, or 17.46 %. Applicant wishes to be able to use the area occupied by the deck for a longer duration of the year, which a three-season room will allow them to do.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that the Applicant requires a variance to construct the proposed three-season room. After reviewing the application, sketches submitted and testimony at the hearing, the Board determines that the proposed variance will be granted.

The Board concludes that while the three-season room addition is more than a minimal request, it would not result in any undesirable change in the character of the neighborhood, or be detrimental to adjoining property owners, and that the benefit could not be achieved by some other means.

Accordingly, the Board grants the Applicant's request for a Variance to construct the three-season room according to the following conditions.

- (1) That the proposed construction be in accordance with the sketches, specifications, testimony, and exhibits given on behalf of the

Applicant at the hearing; and

- (2) The Applicants submit appropriate drawings in conformity with the presentation at the hearing and in accordance with the requirements of the Town Building Department; and
- (3) That the construction be completed within two (2) years from the date hereof.

June 4, 2003

Michael Hodom
Chairman
Board of Appeals

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

YES	NO	ABSENT	ABSTAINING
Michael Hodom Robert Wiggand Gilbert Brookins Marjory O'Brien	None	Richard Lewis	None

(Resolution filed with the Clerk of the Town of Bethlehem on June 5, 2003.)

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On a motion made by Mr. Wiggand, seconded by Mrs. O'Brien, and unanimously carried by the Board, the minutes of the May 21, 2003 meeting were approved.

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

Meeting Adjourned: 9:05 p.m.

Respectfully submitted,

Secretary