

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

June 4, 2008

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Chairman Hodom, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman
Michael Moore, Board of Appeals Counsel
David DeCancio, Board of Appeals Member
Lennie Micelli, Board of Appeals Member
Anthony K. Umina, Board of Appeals Member
Matthew Watson, Board of Appeals Member

Mark Platel, Assistant Building Inspector

AGENDA: Karl Geist
Mark Almindo

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

PUBLIC HEARINGS

Mark Almindo

The Board received an application for a variance under Article V, District Use & Area Requirements, Section 128-30 (C) (1), Core Residential, accessory buildings not to be located in a front yard.

Mr. Platel stated that the applicant is proposing to construct a twenty-two (22) foot by forty (40) foot, eight hundred eighty (880) square foot detached garage, which will be located in the front yard of the property. Accessory structures are not permitted to be located in the front yard. Also the setback from the accessory structure to the front yard property line will be twenty-two (22) feet, which is three (3) feet shy of the twenty-five (25) foot front yard setback requirement.

The existing structure is occupied as a single-family dwelling and is located in a Core Residential Zoning District.

A motion to indent the public hearing notice was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, June 4, 2008, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Mark Almindo for a Variance under Article V, Section 128-30 (C) (1) of the Code of the Town of Bethlehem for construction of a garage, at 1 Norge Rd., Delmar, New York.

Mr. Almindo presented for himself. He lives at 1 Norge Road and wants to build a detached garage in his front yard. He initially wanted to build a twenty-two (22)foot by forty (40) foot garage but he would now like to increase the size of the garage to twenty-four (24) by forty (40) feet. He wants and needs the garage because the home has no storage. There isn't a basement and the only attic space is a small area above one (1) of the bedrooms. He has one (1) child with another on the way. He said the garage would be sided and roofed the same as the house. He has spoken with the neighbors and none have voiced any opposition.

Chairman Hodom asked he was going to maintain and keep the existing shed. Mr. Almino said if it was a deciding factor in him being able to construct the garage, he would remove it. Right now it's the only spot he has to store anything and he would like to keep it if possible. He would paint it to make it look better.

Chairman Hodom asked Mr. Platel if the requested change in size would trigger an issue with the side yard setback. Mr. Almino said the additional two (2) foot width would be pushed towards the side yard. Mr. Platel said the fence was off of the property line by about one (1) foot, onto the neighbor's property. If he increased the size, it would encroach into the side yard setback by the two (2) feet.

Chairman Hodom asked why he wanted to increase the size of the garage. Mr. Almino said he was looking at attic storage trusses and the twenty-two foot trusses have a low ceiling area for storage. The twenty-four (24) foot trusses gives it a little more pitch and little more storage above. He thought more storage area would be better. He said he has a van and he thought it might not fit in a twenty-two (22) foot wide space.

Chairman Hodom asked the exterior dimensions of the van. Mr. Almino said he has a rack on the van; he estimated about seven and one half (7 ½) feet high, fourteen and one half (14 ½) feet long and about six (6) feet wide. Chairman Hodom said that would fit through a normal over head door. Mr. Almino said the amount of space left over when the truck was inside would be limited. He said if the building fit within the allotted space he would like the larger size. Chairman Hodom thought the depth of a twenty-two (22) foot wide garage would leave adequate room to move around the vehicle. He asked Mr. Almino if he had considered moving the garage back to the location of the existing shed and attaching it to the house. Mr. Almino said he had considered it but didn't think it would work well because of the pitch of the roof the garage would be located in an area where the two (2) roofs would pitch together and create a large snow pile. He would also lose the windows to the bedrooms if the garage was placed there. The attachment of the garage to the house would be very expensive. He thought the most economically and visually pleasing way to construct was to place the garage detached and away from the house. The largest open space he has is in the front yard. He has limited rear and side yard space.

Chairman Hodom asked if he had considered locating the garage on the opposite side of the house where there is more space. Mr. Almino said he would then have to move the driveway to that side of the property. He thought it would encroach onto the neighbor's space more and look odd. The area he wants to place the garage is up against a fence and there's about two hundred (200) feet between that fence and the neighbor on Elsmere Avenue. It would help to block some of the road traffic noise coming from Elsmere Avenue.

Mr. Almino has owned the home since November in 2005. He said there was a partial small garage in the house but the previous owner had done modifications to the house making the space more of a work area than a garage. There was a room to the rear of the garage area with a small bathroom. A regular size car could not be pulled into the garage area. He had turned that area and the remainder of the small garage into a master bedroom and bath.

Mr. Almino has discussed the proposed garage with the neighbors. No one had voiced any opposition to the plan. He said that most of the people on his side of the street didn't have basements. There's a high water table issue in the area and his neighbors understand his problem with storage. Even though he has one (1) of the larger lots on the street, the house is built to the rear of the property leaving the largest usable space to the front of the house.

Chairman Hodom said the other houses on the street have attached garages. There aren't any garages in the front yard on either side of the street. He asked Mr. Almino what he would do if the variance was not granted. Mr. Almino said he would need to sell and move. He would prefer not to go that route. Chairman Hodom asked Mr. Almino to explain the layout of the home. He said there're three (3) bedrooms, two (2) bathrooms and a great room containing living, dining and kitchen space. There is a small attic storage area over a bedroom that is accessed from pull down stairs in the ceiling. It's only about four and one half (4 ½) feet high and doesn't follow the whole length of the house. The storage shed is used for some yard equipment and some weights.

Chairman Hodom asked what the shop area would be used for in the proposed plan. Mr. Almino said it would

probably be used for storage and a workout room.

Mr. DeCancio asked if the garage were built off the side of the house, would it encroach into the side yard setback. Mr. Platel said if the garage were attached to the house, the garage would need to be eight (8) feet from the side yard line. He would need a variance to build a twenty-two (22) foot wide garage attached to the house.

Other than electric service, there won't be other utilities in the garage.

Mr. Watson asked if his neighbor had any problem with a twenty-four (24) feet wide garage instead of the twenty-two (22) feet. Mr. Almino said he had not asked him about the additional two (2) feet.

Mr. Platel asked if Mr. Almino's latest submission had moved the garage closer to the road. He said he moved it fifteen (15) feet from the house. He had brought it up a few of the Board members that had come to the house. He said the property was angled in such a way, the front right corner of the proposed garage facing the road, now encroaches six (6) or eight (8) inches over the front yard setback line.

Chairman Hodom asked Mr. Almino that if the Board were to consider the twenty-four (24) foot width, could the garage be relocated to mitigate any side yard setback problems. Mr. Almino said he could but he wanted to keep it where proposed because he said it was in line with the over hang of the roof of the house. He wanted to give a square look to the house. He didn't want the new garage to encroach into the outline of the house. It would bring the garage closer to the bay window. Chairman Hodom asked if Mr. Almino could live with a twenty-two (22) foot width garage.

Mr. Micelli noted that Mr. Almino would still have seven point five (7.5) feet to walk around the fourteen and one half (14 ½) foot truck if the garage width was twenty-two (22) feet.

Mr. Almino wanted to start construction as soon as possible. He would subcontract out the work. He would construct a pole barn on a slab. The architectural features of the garage would be the same as his home.

Hearing no further questions or comments the hearing was closed at 7:30.

APPLICATIONS

Karl Geist

The Board received an application for a variance under Article V, Districts, Use and Area Requirements, Section 128-27, C, 1, accessory buildings not to be located in a front yard. The applicant wants to construct a garage in the front yard.

A motion to schedule the public hearing for June 18, 2008 at 7:00PM was offered by Mr. Umina, seconded by Mr. Micelli and approved by all Board members present.

The Board reviewed the draft minutes of May 21, 2008.

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

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

The meeting adjourned at 7:32 PM.