

**TOWN OF BETHLEHEM
BOARD OF APPEALS
November 2, 2005**

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

PRESENT: Michael Hodom
 Robert Wiggand
 Marjory O'Brien
 Gilbert Brookins
 Leonard Micelli

 Michael Moore Attorney to the Board

 Mark Platel Building Inspector

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

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Good evening Ladies and Gentlemen. This is a regular meeting of the Board of Appeals for the Town of Bethlehem. The first order of business this evening is a continuation of a Public Hearing for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Highway Frontage requested by Nicholas and Cherise Vitello for property at 207 Maple Avenue, Selkirk, New York. The Applicant wishes to construct a single family home, which does not meet the minimum highway frontage requirements at the premises.

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

MR. PLATEL: Yes, Mr. Chairman. The applicant is proposing to construct a dwelling on a parcel that does not have the required 75 feet of highway frontage. The parcel of land in question is land-locked and access is provided by an easement connecting the property to Route 396 (Maple Avenue).

The property is located in a Rural District and there is currently a trucking business operating out of the existing structure.

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 November 2, 2005 at 7:30 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Nicholas and Cherise Vitello for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Highway Frontage of the Code of the Town of Bethlehem for construction of a single family dwelling, which does not meet the minimum highway frontage requirement at the premises 207 Maple Avenue, Selkirk, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the October 26, 2005 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. The procedure that we use this evening; it's the same as we used previously; we'll hear the Applicants continued 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 direct any comments to the issue this evening and request that you stand or sit close to the black microphone, it's for recording purposes only. Mr. Dempf?

MR. DEMPF: Good evening. I apologize for not wearing a tie; I was at a seminar all day today so I'm kind of dressed down. Again we're here in support of the application of Nick and Cherise Vitello. They're requesting this area Variance to enable them to build one single-family house. Again we're not trying to sneak our way in to a big project here. This is a one single-family house and we have previously sent some information to the Board relating to the back title information. I also looked at the - - at those deeds to see whether there was any sort of restriction as to, you know only a trucking business and it's a strict - it's you know it just says an easement as far as the language in deeds go. Again, the survey we had prepared by Vollmer and the deed to us we had a metes and bounds description of the roadway into the property. That roadway has been existing for many, many years. It pre-existed the Kenniston's ownership of the property and there was refuse business, lots of different types of business there. We respectfully submit that to permit one residential building there is good news for the neighborhood. That would be, you know in this situation probably the owner of whatever business was going in there. Again, you know I think if there's a single family there that's the type of operation or use that would be really good for the neighborhood not a detriment. Again if the Board has any questions you know I'd be happy to do the best I can to respond.

CHAIRMAN HODOM: Thank you. The Board did request that you provide the names of the various property owners joining the property and we received a partial list of names primarily those that are situated on the easterly side of the property. We did not receive any of the names of the owners for the westerly side of the property, the northerly

side of the property or the southerly side of the property. Was there a reason for this?

MR. DEMPF: All I can say is that when I spoke with someone at - - I thought that the easier way – easiest way to do it would be to call the assessor’s office and I think that the regular person that I deal with was out and there was someone else in there and I did say the, you know I looked at the survey and I said – and I thought I said the east of – maybe I said the east of the property, but again you know I think it was probably was my miscommunication with the person that I was dealing with at the assessors office. I looked tonight, you know because I know Karen had talked to me, but I looked at the list and it’s people on John Street, which is literally properties east of this particular property, not along it. I would say that the Vitello’s when they submitted their application did, I believe provide a list of the people that they were able to track down that lived adjacent to it. I think the one thing was that Vasto they had as the – as residing at 205 and it was actually the gentleman that was here last week. I’ve forgotten his name.

CHAIRMAN HODOM: Mr. Shienke.

MR. DEMPF: Yes, right.

CHAIRMAN HODOM: Also in the - - and I appreciate you going through and providing us the various deeds going back to 1963. I still don’t find a deed that shows Hallenback transferring any property to a future owner and in the deed that Cram Associates had given to Mr. Vitello in 2004 references together with the right title and interest of the parties of the first part in and to the permanent easement for ingress and egress over lands now and formally owned by Grace W. Hallenbeck and Ralph G. Hallenbeck.

MR. DEMPF: Okay.

CHAIRMAN HODOM: And this is in 2004. You provided deeds up through 1995, is there no...

MR. DEMPF: I do have – I do have a deed from Hallenback to Vasto, was that part of what I had provided you?

CHAIRMAN HODOM: No.

MR. DEPMF: Okay.

CHAIRMAN HODOM: The last deed that we had that you provided was from Disonell to Narani, incorporated which is back in 1995.

MR. DEMPF: Okay.

CHAIRMAN HODOM: You provided one from Disonell to Hallenback back in 1981, but your information stops at 1995.

MR. DEMPFF: Okay. Here's – and I apologize, here's a deed from Hallenback to Vasto and the date of this deed is 1992 and I can hand this up.

CHAIRMAN HODOM: And it's legible.

MR. DEMPFF: And again honestly I had you contacted with the title company and they sent me – I thought that that had been included in that.

CHAIRMAN HODOM: Does Mr. Culella represent the title company?

MR. DEMPFF: Yeah, Joe Culella.

CHAIRMAN HODOM: His note to you – the last item he issues which is item number 5 is the deed from Disonell to Narani, which also includes the right of way, but it was 1995. And I guess I'm hung with Mr. Hallenback because...

MR. DEMPFF: Hopefully that helps.

CHAIRMAN HODOM: Okay.

MR. DEMPFF: And again when I looked at the deeds I was curious to see whether there was some sort of limiting language in there for, you know only trucking purposes or restricted only for one individuals – you know one individuals use. But again, you know my read of it is that it runs with the property.

CHAIRMAN HODOM: I didn't find any statements limiting the use of the property. Are there other questions from the Board?

MR. WIGGAND: The one question I have is you're talking about building a home back there, are you not?

MR. VITELLO: Right.

MR. WIGGAND: You don't show that on the plan at all of exactly what you're thinking about on that. Do you own all of this property marked here on the map?

MR. VITELLO: This would be – may I get up to check it?

CHAIRMAN HODOM: Yes go ahead.

MR. WIGGAND: This is your only entrance – am I saying that right, right here? Is that your only entrance to the property?

MR. VITELLO: Yeah that's correct and we own this....

CHAIRMAN HODOM: Do we have an extra copy we could put up on the board that

way everybody can see?

MR. DEMPFF: I think I do.

MR. WIGGAND: Why don't you hold it up and let them see and maybe it would be easier if everyone took a look at this. I'm a little confused with some of this, thank you.

CHAIRMAN HODOM: That way everybody can see what we're discussing.

MR. WIGGAND: That's all part of one?

MR. PLATEL: There's only one -parcel, but it's landlocked. That's the easement that we're dealing with.

MR. WIGGAND: Right here?

MR. PLATEL: Yes.

MR. VITELLO: We own this...

CHAIRMAN HODOM: Hold up a minute, we need something to put you on the record with, thank you. Please try to stand away from it so that everybody can see it at the same time.

MR. VITELLO: It's tough with me; my glasses.

CHAIRMAN HODOM: I understand.

MR. VITELLO: Okay this is the entrance that we were speaking of; the easement. This large bold line is all our property, which is wooded and some swamp. This area here is where the garage is all gravel, flat. This is a large parcel and this is probably about 3-acres. Roughly in this area, not out into the woods to far we propose to put the house or the home. We haven't particularly picked the area, but in this area. This is probably 400 feet from the garage. I don't know if that answers your questions or not.

MR. DEMPFF: If you would like him to mark it on the map roughly where - - the area where he's proposing to put it.

MR. WIGGAND: You see that's what confused me you show the garage and you show some type of concrete pad on each end of it but you don't show where this building is as your referring to as far as a home is concerned. There's nothing shown on this plan where that is to be located and that was my question to you. Is this something that's going to be in the far future or have you got something scheduled for that?

MR. DEMPFF: Nick can you answer that?

MR. VITELLO: We're approved for a mortgage and we only took it to this point because we weren't sure whether we were going to get a Variance or not so we didn't depict exactly where the house would be so depending on the Variance we're ready to go and move forward with a plot plan of where the house would be.

MR. WIGGAND: All we're looking at here is an entrance to the property and also a 1-story existing building there.

MR. VITELLO: Excuse me actually it's a story and a quarter; it's two offices above.

MR. WIGGAND: Above that building that I looked at today?

MR. VITELLO: Correct, in the garage there's a stairwell going up with two offices.

MR. WIGGAND: And you're using that as your work area now as your business?

MR. VITELLO: The upper floor is one office is used and the other is vacant.

MR. WIGGAND: Okay then that brings us down to where are you planning a home in there or haven't you gotten that far with it yet?

MR. VITELLO: We've got a rough area where we want to put it but we haven't a plot plan with a home placed on it yet because if we hadn't gotten the Variance we didn't see to go to that point.

MR. WIGGAND: So you own between 11 and 12 acres of land here?

MR. VITELLO: The home would only effect – this dotted line you see around the building, from that point on it becomes woods and drops off. The home would be no further than that dotted line in any given direction, but to this side which I don't know the direction of whether it's north, it would be southeast.

MR. WIGGAND: Well you've got a sizable piece of land there so that home would be located in that dotted area or somewhere in that area.

MR. VITELLO: Yes very close in this area and these are where the other homes border - this is the Audubon Society, this would I believe John Street. This is quite a distance you can't even see these homes.

MR. WIGGAND: Okay I'm getting a little bit better understanding but you do own all this land that's surveyed out here on this dotted line?

MR. VITELLO: Yes sir.

MR. WIGGAND: But the only entrance to this whole piece of land is this one driveway here.

MR. VITELLO: That's correct. It's actually a double lane – it's a heavy use road.

MR. WIGGAND: I was there today and it does have the ability that you can pass on it.

MR. VITELLO: I was bringing in 55, 60-ton vehicles always through the years.

MR. WIGGAND: It seems to be a substantial driveway going back in, but that's the only entrance to this property so it's not your plan for a large development back in here.

MR. VITELLO: Absolutely not, a small home somewhere placed in this area.

MR. WIGGAND: For yourself?

MR. VITELLO: For myself and my family and my children, nothing more.

MR. WIGGAND: Now I've got a little better understanding of it, thank you.

MR. VITELLO: Your welcome.

CHAIRMAN HODOM: Mr. Vitello, did you when you made out the application for the Variance provide a list of the adjoining property owners with names and address's?

MR. VITELLO: Yes sir. On the 396 side, both directions but not to the further point of the property which is about 7, 800 feet on John Street, which I believe the Board said within 200 feet.

CHAIRMAN HODOM: 200 feet.

MR. VITELLO: I didn't know if that meant 200 feet from the border or 200 feet from the location of the home.

CHAIRMAN HODOM: No, 200 feet from your property line is what the requirement is.

MR. VITELLO: There's many homes on John Street, like I say that's about 750 to 800 feet away from what we're speaking of.

CHAIRMAN HODOM: Well I couldn't find – I have your application and part of the application shows to list the names of all owners or property within 200 feet of the portion of the property described above, which is your property.

MR. VITELLO: Correct.

CHAIRMAN HODOM: But there's no names listed on the application and I went through the file and I can't find any listing of any names that you submitted as a separate addendum to the application. I do find that you had I believe at the last hearing submitted

a letter of people you contacted.

MR. VITELLO: I was on the road at the time when the application was presented by my wife and I believe she had an attachment with all names and address's.

MRS. VITELLO: A separate attachment.

MR. DEMPFF: I actually have a, you know have a list here and again it's kind of a mish mash but that's what I have.

CHAIRMAN HODOM: Well we don't have that in the file but this list here as far as your knowledge and recollection are the people located within 200 feet of your property.

MRS. VITELLO: I went as far around as I possibly could – all the way around the back.

MR. DEMPFF: I actually had people on the easterly but you know on John Street anyway.

CHAIRMAN HODOM: Right but that was based on – I don't know if those people were contacted or not I guess is what I'm saying. There was a list the Board requested that you provide the people but I can't find any attachment to the application that shows the listing of your adjoining neighbors. Did you make an effort Mr. Vitello or Mrs. Vitello to contact all of your neighbors that abut your property? Well I'm starting with Mr. Micelli, Mr. Schafer, Ms. Keniston you did talk to, Mr. Shienke who you apparently talked to.

MR. VITELLO: One other, there was an empty lot; it used to be the DOT building which was sold and they knocked it down. That was for sale; I approached her but there's a space in between that prevented me from entering my property as you see there's a swale that goes out so that was a dead end there.

CHAIRMAN HODOM: Right, but how about Rebecca Engel who may have married Mr. Reverly. Did you contact them; discuss it with them?

MR. VITELLO: I can't answer that.

CHAIRMAN HODOM: Mr. DePaula, Thomas and Eileen Depaula?

MRS. VITELLO: Yes I did.

CHAIRMAN HODOM: Bertram McMillen & Linda Allendorph?

MRS. VITELLO: Yes I did.

CHAIRMAN HODOM: And may have changed to Haack.

MRS. VITELLO: That's correct.

CHAIRMAN HODOM: Ms. Airy?

MRS. VITELLO: She was not home.

CHAIRMAN HODOM: How about the Christoph's?

MRS. VITELLO: Yes I did.

CHAIRMAN HODOM: The Croscup's?

MRS. VITELLO: Yes I did.

MR. VITELLO: Croscup was the one who was selling the property that the DOT building was on and there's a strip that prevents me – she owns a strip behind my property, which was separate from the lot that was for sale; no entry and we even approached the builder in the back because there's 1, 2, 3, 4, - 4 or 5 new homes in the back but no entry.

CHAIRMAN HODOM: Okay. How about the Lyon's?

MRS. VITELLO: Yes I did.

CHAIRMAN HODOM: And Florence Keleher?

MRS. VITELLO: I believe so.

CHAIRMAN HODOM: She actually abuts your property at 143 Maple. The representatives from the Audubon Society?

MR. VITELLO: No contact with the Audubon Society, protected lands and it's all wetland back there.

CHAIRMAN HODOM: But it sounds like you made an effort to contact or you have contacted the majority of the adjacent property owners.

MR. VITELLO: Yes. I believe even the Audubon there was a problem with beavers in the back new homes – flooding the homes and your storm drains so they didn't even have a permit to destroy the beavers and they even stopped that so I didn't think we would get anywhere with them. It's all protected wet and bird sanctuary back there.

CHAIRMAN HODOM: Okay. Your talking about the Audubon?

MR. VITELLO: Yes.

CHAIRMAN HODOM: Had you had an opportunity to further contact any other adjacent property owners other than the ones you had sign this acknowledgment?

MR. VITELLO: No.

CHAIRMAN HODOM: Okay. I thought after the last hearing you were going to make an effort to contact additional people or to straighten out discrepancies.

MR. VITELLO: The discrepancy was one of the gentlemen, I don't know his name...

MR. DEMPFF: Shienke.

MR. VITELLO: No it was the next home next to Shienke's.

CHAIRMAN HODOM: Mr. Reverly.

MR. VITELLO: Yes, it was a misunderstanding. My wife collected the first signature and all my signatures were collected under honesty and I told them what I wanted to do – the trucking business wasn't even mentioned. There were no issues, no problems and they said it's not going to affect diversity to the traffic or any such thing and I didn't see any reason to go back. I went all the way to John Street and hit every home – no problem. I mentioned I would go back because I was - - insinuated that I had mislead the people.

CHAIRMAN HODOM: Correct.

MR. VITELLO: And that's why I made that statement, which I did not do.

CHAIRMAN HODOM: Have you made any further decision as to the operation of the trucking company on the premises? I know there was some discussion at the last hearing of whether or not you were going to continue it. You thought you were going to continue it but you were uncertain at that time. Is there any...

MR. DEMPFF: May I explain that?

CHAIRMAN HODOM: Sure.

MR. DEMPFF: Nick has taken a job with the State. He's taken a leave of absence from the trucking business for a multitude of reasons, gas prices being one of them. He's an electrician with the State.

MRS. O'BRIEN: Does that mean that the trucking business will no longer operate there?

MR. DEMPFF: I think what it means is he's not operating a trucking business right now.

MRS. O'BRIEN: But has he leased it to somebody?

MR. DEMPFF: Not at this point.

MRS. O'BRIEN: But it's still a viable operation that...

MR. DEMPFF: Yes.

CHAIRMAN HODOM: Are there any questions from the Board members?

MR. MICELLI: Just to clear the record is it still the same home that you want to put up there and your offices that you said earlier at the garage are they both operable offices right now or any of them vacant?

MR. VITELLO: One is operable; the other has been refurnished with - - we weren't sure what we were going to do.

MR. MICELLI: So that's vacant?

MR. VITELLO: It's vacant at this point. They are adjacent from each other off the hallway.

MR. MICELLI: Thank you.

MR. VITELLO: They're both heated and we have the septic, the gas and electric.

CHAIRMAN HODOM: Marge or Gil, anything further?

MR. BROOKINS: Not at this time.

CHAIRMAN HODOM: Are there any questions or comments from the audience and this is just for questions or comments. I will give you an opportunity to speak in favor of the Applicant or in opposition but does anybody have any questions as to what we discussed so far this evening? Is there anyone wishing to speak in favor of the Applicant? Mrs. Vitello you can speak in favor if you like. I don't think you were here at the last hearing.

MRS. VITELLO: No I wasn't here. Sure I'll say something. We have a large family. My husband and I have 6 children between us from age 7 to one in college at SUNY New Paltz and they're all 3 years apart except for the oldest son, he's 26, married. We have two grandchildren. When we were running the trucking business at that time it was a hardship going back and forth and now that we don't have the trucking business it seems that we have grown to that place, our children love the area and I think it's a wonderful place to raise children out there in the country. That's the type of people we are. We're very nice people; we have many references for being very nice neighbors. No we're not wild, our children are not wild. They do go to Bethlehem School District; they would have to change their school district of course, but as this woman stated here RCS is not bad school at all. I've done a lot of inquiries about it. For the middle school child it will be a little bit of a change, but for the younger ones they will adapt and we all love things such as the outdoors, pets, animals, horses and I myself have had past physical problems

with cancer and being in a place like that to me is just serenity. It gives me peace of mind and I look very, very forward to having a new home out there.

CHAIRMAN HODOM: Thank you very much. Mr. Vitello just one other question, is it your intent currently or in the future if you do not reinstate your trucking business to lease out this building to another trucking company?

MR. DEMPFF: I have to speak to that because the property is actually owned by Nick, Sr. so Nick Sr. has Tri-Village Trucking and Services, LLC, so that would be Mr. Vitello's decision on that so the renting out would be done by Mr. Vitello, Nick's father.

CHAIRMAN HODOM: I understood that Mr. Vitello, Sr. owned the property I thought at the last hearing the business was owned and operated by Mr. Vitello, Jr. Has that changed?

MR. DEMPFF: No, but the - - again the building and the structure is owned by Mr. Vitello, Sr. so if it was rented out it would be his decision not Nick's.

CHAIRMAN HODOM: Okay.

MR. DEMPFF: Cram Industries sold it to Tri-Village Trucking and Services, LLC, which is - and the sole member that is Mr. Vitello, Sr.

CHAIRMAN HODOM: That was back in 2004?

MR. DEMPFF: Right and no deed out has been made yet.

CHAIRMAN HODOM: Anyone else wishing to speak in favor of the Applicant? Anyone desiring to speak in opposition to the Applicant who has not already done so?

MS. KENESTON: Can I speak?

CHAIRMAN HODOM: You may, I don't want you to get off the issue. Please stay with the issue as presented.

MS. KENESTON: I am.

CHAIRMAN HODOM: Okay, that's fine. Just introduce yourself to us and give us your address.

MS. KENESTON: Kelly Keneston, 211 Maple Avenue. It's granted no one likes the truck place. I deal with the truck place; I've owned for 19 years. I have for 19 years; I deal with it and I have with all the other owners. I haven't had a problem; this isn't about the trucking place. This is about a 4-bedroom home that now there's going to be - - the traffic is going to increase 10-fold over my property that I'm responsible for. Everybody passing over my property, I'm responsible for it. I've learned that and now I know that

and now I don't want a 4-bedroom home for the traffic to increase 10-fold. I don't want that. I deal with the truck place that's there and I'll deal with that as I have but I don't want anything else back there.

CHAIRMAN HODOM: Okay.

MR. MICELLI: I'd like to ask you a question. I don't understand when the cars, like if in the family if the children are driving and stuff if there was an accident are you saying you would be responsible for that liability?

MS. KENESTON: That's right.

MR. MICELLI: Okay and the trucking would hold the same grounds.

MS. KENESTON: I suppose it has all this time. The grandfather let me know that that I was responsible.

MR. MICELLI: I wasn't aware of that. I didn't understand.

MS. KENESTON: I wasn't aware of that either.

MR. MICELLI: Okay so your liable for all traffic that goes in?

MS. KENESTON: That's what I'm told. When they were - - when they rented out the place for their own profit to store all the dirt back there. I've got trucks going up and down, bulldozers, guy's hanging off the back of them. All week long I didn't say a word about it, not one word. Traffic up and down it was crazy and that's all week until he came and told me Sunday. We'd like to trade you a piece of property you don't use that property; we'll trade you a useless piece of property back here for that piece right there. You don't use it but if anyone is to get hurt on it you are responsible for that and that's the first I knew of it and then I said that I don't want people using it.

MR. MICELLI: Thank you very much.

MS. KENESTON: Thank you.

CHAIRMAN HODOM: Is there anyone else wishing to speak in opposition to the Applicant. Any other questions from the Board? Hearing no further questions or comments, we'll declare the hearing and we'll notify you in a timely manner. Thank you very much.

Hearing Closed 8:05 p.m.

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The next order of business this evening is a public hearing for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Rear Yards requested by Kelly Higgins for property at 33 Harwick Drive, Glenmont, New York. The Applicant wishes to construct a deck, which will encroach into the rear yard setback requirement 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 construct a 12-foot by 16-foot deck attached to the main dwelling that will create a rear yard setback of 18 feet, which will encroach 7 feet into the required rear yard setback of 25 feet.

The existing main structure is occupied as a Single Family Dwelling and is located in a Residence "A" 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 November 2, 2005 at 7:45 p.m. at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Kelly Higgins for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Rear Yards of the Code of the Town of Bethlehem for construction of a deck addition, which will encroach into the rear yard setback requirement at premises 33 Harwick Drive, Glenmont, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the October 26, 2005 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. 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; we'll hear anyone wishing to speak in opposition and anyone desiring to speak in favor of the Applicant.

MS. HIGGINS: Okay. My name is Kelly Higgins and I live at 33 Harwick Drive. We're proposing to construct a small deck, 12 by 16, it would go out 12 feet from the house and along the back is 16 feet. We currently have a concrete slab there that is 10 by 10. The deck would go directly over that. The - - let me see, the neighbor on the backside of us is a builder building a house currently so we don't have neighbors now. The structure is built but there is no one living there yet so we can't talk to anyone. We've talked to our neighbors on the side of us; they're fine. We did talk to the neighbors on the other side across the street and they're fine.

We happen to be on a corner where apparently with a corner lot you have to be 85 feet in from each road so our house is situated so that we have a large front and a large corner but not a large back yard but our back door goes out and that's sort of where the deck should go. So we propose that the deck should be where it should be. There currently is a concrete slab. The deck is not going to be raised; you know it will have like one step and then down into the yard. It's going to be a very simple deck made of - just a wood deck. We are going to put a railing in because I have a 17-month old son, but if I didn't have him we wouldn't even need the railing and we're willing to do it without a railing if that's an issue but I don't think that it does anymore than what the concrete slab currently does. I think it would definitely add to the value of the home because it would be a nice wood deck and you know, nicely done. The concrete slab is sort of just a concrete slab. It's not decorative; it doesn't add to the look of the home. You sort of walk back there and say oh, you know it sort of looks like something should be done.

So that's sort of my argument, also where - - our property is sort of - goes diagonally back into like a wedge and where the deck would go out there's a line of pine trees between us and that neighbor where the people haven't moved into the house that's being built but there's a beautiful set of American arborvitaes, which basically screen us from our neighbors. They've grown together; it's very nice. It's almost like a fence but it's natural. So you know, they wouldn't be bothered by sort of anything that we're doing in yard and it's a nice screened area that's sort of, you know it's a nice barrier between our yard and that yard.

CHAIRMAN HODOM: And you own those arborvitaes?

MRS. HIGGINS: Yes.

CHAIRMAN HODOM: They're on your property.

MRS. HIGGINS: Yes.

CHAIRMAN HODOM: They are very nice by the way and it is a nice buffer. You do not intend to bring the proposed deck up to the same level as your first floor of the home?

MRS. HIGGINS: No, I would step down onto the deck so there would really only - - I don't even think we need a step going into the yard from the deck. I think it would just sort of - whatever.

MR. MICELLI: You're not going to be that far off, probably about less than a foot.

MRS. HIGGINS: Yeah, I mean I don't - - maybe we might put a step in but I don't even see it. Right now there's two steps from our door to the slab so I would imagine if you put a deck in you would step down onto the deck. I wouldn't imagine you'd need another step to step down onto the yard.

CHAIRMAN HODOM: Are you building right off the concrete slab that you have there now.

MRS. HIGGINS: We'll build over it. The concrete slab is 10 by 10 and we'll go right from the edge of the 10 on side closest to the edge of the house and then bring it over the 16 feet, you know right along the back of the house. We're not going to bring it beyond where the slab is currently to that short corner of the house.

MR. WIGGAND: That was going to be my question. You weren't going to come any further towards the street.

MRS. HIGGINS: No, no and I don't want to do that.

MR. MICELLI: You're going the other way.

MR. WIGGAND: I had hoped you'd say that.

MRS. HIGGINS: I'd go the other way towards - - where our house is, you know if you look at the back of it where it sort of should if you said if I were going to put a deck and cover up that slab, you know start of the edge of the slab and go over it.

MR. WIGGAND: We visited there today and there was no one home.

MR. MICELLI: We rang the doorbell and obviously no one was home.

MR. WIGGAND: But anyway we went around the back there and we had kind of an idea that you were planning on going probably - - were you going to use that concrete at all except just for a footing for the...

MRS. HIGGINS: I don't think we're planning on using it as a footing.

MR. WIGGAND: You're plan on building a raised deck aren't you there, is that what you're planning or are you going to use it for just what you're using it for in this picture. Are you going to build a deck up?

MRS. HIGGINS: I don't think so like I said I don't plan on, you know I sort of plan on stepping out of the door on to the deck.

MR. WIGGAND: Okay so that deck is going to stay just the way it is?

CHAIRMAN HODOM: She's going to build over the concrete.

MR. WIGGAND: Well I'm a little confused on what they're going to do.

CHAIRMAN HODOM: She's going to have a deck over the concrete pad that's there now.

MRS. HIGGINS: I would imagine about this far above the ground.

MR. WIGGAND: That's what I wanted to hear, okay.

MRS. HIGGINS: About this far above the ground, you know if you took a – I don't know what they're called, 2 by 4's....

CHAIRMAN HODOM: The joists, the floor joists?

MR. WIGGAND: The existing concrete deck will be below the new wood deck that you're going to be building there?

MR. PLATEL: Correct.

MRS. HIGGINS: Yes, it'll be underneath it; you won't be able to see it and it won't be holding up the deck either. I want regular footings that will hold that because I don't know what that pad – that concrete pad I don't know that that would a good thing to set the deck on. You know I don't know how sturdy that concrete pad is.

MR. WIGGAND: And the deck is going to be – there's a 10 by 10 slab there now. The deck is going to be 12 by 16?

MRS. HIGGINS: Yup. So it's just going to go out into the yard another 2 feet and then along the house another 6 feet.

MR. WIGGAND: On the back of the house not towards the street.

MRS. HIGGINS: No not towards the street.

MR. WIGGAND: That's what I wanted to hear you say, okay.

MR. MICELLI: The other way Bob.

MRS. HIGGINS: That would look kind of silly and it would - - then we would sort of have to – it wouldn't make sense and we have a spigot there as well that we don't want to – you know it's a hose spigot. We don't want to build the deck pass the spigot; we don't want to like sort of have our hose on the deck.

MR. WIGGAND: You would have a little bit more privacy going the other way.

MRS. HIGGINS: Yeah it's much better to have it in the back yard and much more towards that way.

MR. PLATEL: I remember the drawing shows it being 3 feet off the corner. If he does it to scale I think it was 1-block equals 1-foot. It would show the deck being 3 feet off the

side of the house and then towards the rear more and that's you drew it.

CHAIRMAN HODOM: If you are approved to build the deck it would have to be built consistent with the submittal that you made to...

MRS. HIGGINS: Absolutely.

CHAIRMAN HODOM: Okay.

MR. BROOKINS: How long have you owned the house?

MRS. HIGGINS: We moved in, in 2000 and it was two years old.

MR. BROOKINS: Was the slab there when you moved in?

MRS. HIGGINS: Yes we did not put it in and had I had to put it in I probably would have known that the whole easement issue – we didn't even know when we bought the house that we couldn't...

MR. BROOKINS: You know what I was going to ask you next?

MR. PLATEL: A concrete patio, you don't have to worry about zoning requirements for a concrete patio in a ground so that has no bearing.

MRS. HIGGINS: Right and I found that out and we did think about well, we could just take that slab out and put in, you know some sort of stone or whatever and that's an option. We'd just rather have the wooden raised deck. It's just kind of an aesthetic kind of thing.

CHAIRMAN HODOM: Is it your intent to put a roof over this deck or enclose it?

MRS. HIGGINS: No.

CHAIRMAN HODOM: It's just an open deck?

MRS. HIGGINS: Oh yeah, just eat outside and barbeque.

MR. MICELLI: And if you do put the rail it will be the spindle type, pressure treated wood probably?

MRS. HIGGINS: Yes, just a thin – yeah pressure treated wood and it's really just to keep the kid in.

MR. MICELLI: Sure.

MR. WIGGAND: That's kind of a good idea.

MRS. HIGGINS: It's just to keep the child from....

CHAIRMAN HODOM: Wandering off?

MRS. HIGGINS: Exactly, that's the idea.

CHAIRMAN HODOM: Any other questions from the Board? Any questions or comments from the audience? Anyone 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.

MRS. HIGGINS: Thank you.

Hearing closed 8:20 p.m.

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The next order of business this evening is a public hearing for a Variance under Article XIII, use & Area Schedules, Section 128-100 A, Minimum Rear Yards, requested by Stewarts shops Corporation for property at 33 Frontage Road, Glenmont, New York 12077. This is for the placement of a storage freezer, which will encroach into the rear yard setback requirement 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 add a 14-foot by 8-foot freezer addition to the existing main structure, which will encroach into the front and rear yard setbacks. The rear yard setback will be 6 feet, which will encroach 44 feet into the 50 feet required setback and the front yard setback will be 31.5 feet, which will encroach 18.5 feet into the 50 feet required setback.

The existing building is occupied as a convenience store and is located in a Rural Light Industrial District. The existing location of the structure is a pre-existing and non-conforming condition and would not require any Variances.

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 November 2, 2005 at 8:00 p.m. at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Stewarts Shop Corporation for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Front & Rear Yards for the placement

of a storage freezer, which will encroach into the front and rear yard setback requirement at the premises 33 Frontage Road, Glenmont, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the October 26, 2005 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. We'll use the same procedure that we used earlier; we'll hear your presentation, entertain any questions or comments; hearing anyone wishing to speak in favor or anyone wishing to speak in opposition. Mr. Bulmer would you just introduce yourself to us and your association with the Applicant?

MR. BULMER: I am Paul Bulmer, I'm the real estate representative for the Stewart's Shops. As stated we're proposing to simply add on the back of the site a freezer. The existing freezer is inside of the building, actually here is the existing freezer, this is the cooler. That's going to remain. This will basically give us additional storage space here. We're going to add the freezer on the back of the building going out of the existing – it's called the existing shed there. It will give us additional storage space, which is desperately needed there.

I know we are further encroaching into that setback and actually this plan the layout is identical to what you have there. I had our guys today just put on the two setback lines so you can see the irony of this whole thing is that the front setback actually is greater than the width of the side of this side so it actually goes off the back of the property, the rear setback comes up. If you were and I know we are non-conforming as I said to build on this site, the only buildable area is this little piece of pie – piece over here. So obviously the site does not comply with that, we - - the only argument we have here is that we really need the additional space. I think the neighbor obviously behind us and we had contacted the neighbors being in an industrial use, I would assume has no issue with this, we've heard of none. That's simply it. It's hard to sell this any further than what it simply is – is moving a freezer box outside behind the building.

CHAIRMAN HODOM: You currently have a dumpster in that area that you're proposing to put the new freezer in now. Where would you locate the dumpster?

MR. BULMER: That's a good question. I would assume it's going to – and I will – you just stumped me. We'll have to pull it out; I know this can be accessed here. I think we're simply just going to pull it out. I'd hate to have to – because there is no residential use on top of that there, I'd hate to shield that.

MR. MICELLI: Your manager said he was going to put it on the grass today when we visited the site.

MR. BULMER: Oh did he? I'll have to get back to you exactly how - - where we could put that. I don't have that answer for you.

MR. MICELLI: Well because we kind of asked them that question and he said we'll probably going to put it over here. I don't think he meant that in concrete that it was definitely going there, but he was just like - - if you look at that grass it's kind of not leveled.

CHAIRMAN HODOM: Well I don't think we want to see it on grass anyway. I mean you need some kind of substantial pad for it.

MR. BULMER: No, you have to; yeah you have to. I mean over time that will - - I don't have an answer on that but I will get one.

CHAIRMAN HODOM: Would you get one?

MR. BULMER: Yes.

CHAIRMAN HODOM: Is that larger than the freezer that you currently have inside?

MR. BULMER: Slightly larger, yes. I mean typically this is the size of the freezers we're looking for. The one inside is small and also because you have a door going into that area then a door going back out to the shed, the area in between is really difficult to use as storage. You know what I mean because you got really the doors on both side and when the doors here and a door is here this becomes really kind of clumsy space. So what this does for us is really free up this wall space to really us this more efficiently.

MR. MICELLI: Paul how do you determine the size of the freezer? Is it buy the quantity of the ice cream, what I'm trying to get is what if you need a bigger one in the future if it keeps growing? Is that addition enough for you?

MR. BULMER: Yeah that's efficient enough because it's based on our delivery schedules to. We know by the amount we deliver; we actually - - there's places out there that can use bigger ones like competitors that don't have the luxury of being right up the road that we are that our delivery schedules dictate, but we don't have that.

MR. MICELLI: You control that?

MR. BULMER: We control that, absolutely.

MR. MICELLI: Okay. It looks like it's all even because we were there today so everything is going to - - it's going to look square just like there's nothing sticking out.

CHAIRMAN HODOM: Do you have a color scheme for the freezer?

MR. BULMER: It'll be the metal, I mean it will it will be the actual freezer so it'll be probably a silver.

MR. WIGGAND: Now this is your property line presently that's shown on your plan?

MR. BULMER: Correct.

MR. WIGGAND: So this 6 feet is all the space that you're going to have along side that freezer to get to your shed and stuff in the back here, is that right? And I realize that the other properties I believed are used...

MR. BULMER: Well they can come it - - the shed is really - that's just a drainage thing up in front of that. You can get to that shed.

CHAIRMAN HODOM: You can get to shed from the front.

MR. BULMER: Yeah and the shed is really just used - yeah the 6-foot is plenty I think. The shed is just used for - I mean that's a freestanding thing that can be picked up and moved. That's just to keep just lawn care and things like that in there so I don't - - that's not really an issue for us.

MR. WIGGAND: If your neighbor here put something up along this property line that would cut that whole area. That would give you a little problem not that it's ever going to happen. It's just a question I wanted to ask.

MR. BULMER: Okay I don't see it as an issue for us and if they did we'd either have to get rid of the shed or...

MR. WIGGAND: Well you're only going to have 6 foot there of space from your property line to get by that freezer the way you've got it located on this plan but that's for you to work it out. That could be a little problem for you.

MR. BULMER: Well the freezer is, you know internally - will be accessed from inside to so it's not a - I mean if you see it here this is how you're going to be coming in.

MR. WIGGAND: Oh the freezer...

MR. BULMER: The freezer will be too yes. So the existing back door will still lead to that freezer. The freezer is not going to have an outside entrance. If you look right here...

MR. WIGGAND: So the freezer isn't...

MR. BULMER: No, this is what is shown.

MR. WIGGAND: Loaded or anything else from the outside?

MR. BULMER: No it's going to be loaded through the existing back doors so see where the existing back door is now?

MR. WIGGAND: Okay.

MR. BULMER: The freezer is coming off here and the entrance is going to be on the other side.

MR. WIGGAND: Okay that makes a difference.

MR. MICELLI: Oh so you'll have access in the inside?

MR. BULMER: Oh yeah.

MR. WIGGAND: I'm sorry I just didn't understand...

MR. BULMER: We have a hard enough time getting employees I don't want to have to tell some kid to get outside in the middle of January out in the back there.

MR. WIGGAND: I just thought maybe you would have a loading area in the back there to go to that freezer.

MR. MICELLI: This isn't the Stewarts on Frontage Road is it? This doesn't look like it.

CHAIRMAN HODOM: It's not the same building.

MR. MICELLI: I didn't think so.

MR. BULMER: I didn't even see those, is that what they sent you?

CHAIRMAN HODOM: It's a different building; it just shows you what the face is going to look like.

MR. BULMER: Oh okay I think what that is, is you're right, that's just a cut of the material on the freezer which they should have noted on that. Those are yours.

CHAIRMAN HODOM: Is there a freezer that you could purchase that would be flush with the...

MR. BULMER: So we don't have that little bit of a jag you mean?

CHAIRMAN HODOM: And that way all your non-conforming existing conditions remain pretty much as they currently exist.

MR. BULMER: Well they really wouldn't because the property in the back angles so as we – even if we stayed with that, that corner would then be closer if you know what I mean, do you know what I mean?

CHAIRMAN HODOM: Yes.

MR. BULMER: It would still be hitting a little further. To answer your question, are there different ones out there, probably, I'm not sure.

CHAIRMAN HODOM: This is a freezer that is designed for your current usage requirements?

MR. BULMER: Correct.

MR. BROOKINS: Is it a stock kind of an item?

MR. BULMER: Yeah they are and we buy enough of them that it becomes a lot cheaper for us to stay with the same ones. We're doing a lot of these remodels now so I know we're putting out a lot of new freezers throughout the State.

CHAIRMAN HODOM: Are you bringing the roof structure right down to the top of the freezer?

MR. BULMER: I think not. I think we're keeping...

CHAIRMAN HODOM: I'm just looking at that freezer section 1-S1 and this just looks like the...

MR. BULMER: No it's not if you look here...

CHAIRMAN HODOM: The mansard is coming down to the top of the freezer or maybe the freezer goes right up – it abuts up to it?

MR. BULMER: That's where it is right now so the freezer got to be really almost tucked underneath it. That's the mansard coming down if you look right here that's the existing mansard. It will be built so that the freezer sits...

CHAIRMAN HODOM: Slides underneath it?

MR. BULMER: Right.

CHAIRMAN HODOM: Any other questions from the Board?

MR. MICELLI: I don't have any.

CHAIRMAN HODOM: Do you have a time frame if it was to be approved, when it would be installed and completed?

MR. BULMER: Yes, like yesterday. I mean I think it's one of these ones that – we've got a list of things we're trying to get done so if it does get approved we would want to do it as soon as possible if we can. We may miss because I think we have to pour a

new...

CHAIRMAN HODOM: Pad.

MR. BULMER: A 4-inch slab for that so if we miss the opportunity to do that then we'll have to do it in the spring, but our preference would be to get it done.

CHAIRMAN HODOM: You can do that in the winter. Cover it up with some blankets; throw a heater in there.

MR. BULMER: It happens. Do you want me to come back to this Board and explain the dumpster or just get the information in to you.

CHAIRMAN HODOM: Why don't you – you can get it to us within 5 days?

MR. BULMER: I can get it to you tomorrow.

CHAIRMAN HODOM: That way we can close the hearing and we'll wait until we get the information from you and then if there's any further concerns that the Board has we can always re-open the hearing.

MR. BULMER: I will actually drop it off to you on Friday.

CHAIRMAN HODOM: Would you all agree with that?

MR. MICELLI: Yeah that's fine.

CHAIRMAN HODOM: Drop it off to Karen and she'll get it to us within 10 or 15 days anyway. Any other questions from the Board and there's no one left out there so I think you're all right. Hearing no further questions or comments we'll declare the hearing closed and we'll notify you in a timely manner. We won't make a decision this evening but please get that information to us as soon as you can.

MR. BULMER: I will have it here this week.

CHAIRMAN HODOM: Thank you very much.

Hearing closed 8:35 p.m.

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The next order of business was to consider the application of David & Melissa Prescott, 73 Henderson Road, Glenmont, 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 David & Melissa Prescott for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Side Yards for construction of an attached garage addition, which will encroach into the side yard setback requirement at premises 73 Henderson Road, Glenmont, New York, it is hereby ordered that a public hearing on this matter be held November 16, 2005 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mrs. O'Brien 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 Cumberland Farms (Applicant), Big Main Truck Stop (Owner). The application was found to be in order and Chairman Hodom made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Cumberland Farms for Variances under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Front & Side & Rear Yards, Article VI, Supplementary Regulations, Section 128-35 D (1), Specific Regulations for districts, and Article VI, Supplementary Regulations, Section 128-54 E (4), Signs, for the demolition of an existing building and reconstruction of a convenience mart, drive through restaurant and gasoline station at premises 68 Route 9W, Glenmont, New York, it is hereby ordered that a public hearing on this matter be held November 16, 2005 at 8:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mrs. O'Brien 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 Kelly Higgins for Variance under Article XIII, Use & Area Schedules, Section 128-100 A, Minimum Rear Yards, for the construction of a deck, which will encroach into the rear yard setback requirement at premise 33 Harwick Drive, Glenmont, New York. The following points were brought up by the Board members: The proposed deck will not have an adverse effect on the neighboring properties. The rear yard is protected by a natural screen of American Arborvitaes. No one spoke in opposition to the application. On a motion made by Mrs. O'Brien, seconded by Mr. Brookins, 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 November 16, 2005.

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The next order of business was to consider the proposed resolution of Robert Kempter, 638 Kenwood Avenue, 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 & Area Schedules, Section 128-100A, Minimum Front Yards, requested by Robert Kempter ("Applicant") for property at 638 Kenwood Avenue, Slingerlands, New York; and,

WHEREAS, the Board, acting on said application, duly advertised in the Spotlight and mailed 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 October 19, 2005; 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 construct an 18-foot by 8-foot front porch addition to the existing main structure creating a front yard setback for the new porch of 11.8-feet. This is 13.2-feet shy of the 25-feet that is required. Due to the location of the main structure relative to the property line, the structure has a front yard setback of 10.3-feet, which is 14.7-feet shy of the required 25-feet. This is a pre-existing nonconforming condition.

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

The Applicant purchased the property in April 2005, after it had been abandoned for many years. The property is now being restored. The Applicant proposes to replace the front porch that was previously in place, over an existing concrete slab.

The requested variance for the porch would create, in that area of the lot, a front yard setback 1.5-feet greater than the existing, non-conforming set back for the main structure.

The Applicant has spoken with his neighbors about the proposed project and they expressed no objection.

At the Board's October 5, 2005 public hearing (where this matter had been initially scheduled), another neighbor spoke in favor of the proposed project.

Other than the Applicant, no one spoke at the October 19, 2005 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 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 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 October 19, 2005 hearing, except as the same may be modified by the Town Building Department;
2. In the construction of the porch, the Applicant shall match, as nearly as possible, the existing roofing and siding on the home;
3. The project shall be completed within two (2) years of the date of this Resolution.

November 2, 2005

Michael Hodom
Chairman
Board of Appeals

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Mr. Micelli made a motion that the Resolution be adopted, 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 Leonard Micelli	None	None	None

(Resolution filed with the Clerk of the Town of Bethlehem on November 3, 2005.)

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On a motion made by Mrs. O'Brien, seconded by Mr. Micelli, and unanimously carried by the Board, the minutes of the October 19, 2005, meeting were approved as amended.

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

Meeting Adjourned: 8:50 p.m.

Respectfully submitted,

Secretary