

**TOWN OF BETHLEHEM  
BOARD OF APPEALS  
October 4, 2006**

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

PRESENT: Michael Hodom, Board of Appeals Chairman  
Gilbert Brookins Board of Appeals Member  
Anthony K. Umina, Board of Appeals Member  
Mark Hennessey, Board of Appeals Member  
Leonard Micelli, Board of Appeals Member  
Michael Moore, Attorney to the Board  
Mark Platel, Building Inspector

AGENDA: Philip and Judy Smaldone – 535 Huron Rd. – Public Hearing  
Lance Crossett – 100 Bridge St. – Resolution  
Patricia VanValkenburgh/ Gary Kruger – 174 Maple Avenue - Resolution

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

**Philip & Judy Smaldone – Public Hearing**

The first item on the agenda was the Public Hearing for a request from Philip and Judy Smaldone for a Variance under Article XIII, Use and Area Schedules, Section 128-100, Maximum Lot Coverage for property located at 535 Huron Rd., Delmar. The applicant wishes to build an addition to their residence to accommodate the applicant's mother. The addition would be 897.8 sq foot creating a total building area of 2,450 sq. ft. The lot coverage would be 195.88 sq ft over the 2,262.88 sq ft allowed. The lot occupancy would be 21.73%, which is 1.73% over the 20% allowed. The existing structure is a single-family residence in the Core Residential District.

A motion to indent the Public Hearing notice was offered by Mr. Micelli, seconded by Mr. Hennessey, 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, October 4, 2006, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Philip & Judy Smaldone, Variance from Article XIII, Use & Area Schedules, Section 128-100, Maximum Lot Coverage, of the Code of the Town of Bethlehem for construction of an addition to the residence, at 535 Huron Rd., Delmar, New York.

Mr. Smaldone, 535 Huron Rd., Delmar, presented for the applicants. He said they have lived in the residence about twelve (12) years. His mother recently had a stroke and she currently resides in Atlanta

in an assisted living facility. She wanted to spend her summers in this area and they were requesting to build an addition to their ranch home to accommodate her on one floor.

Other than a deck, no other improvements had been made to the property since the site plan dated 1958. The existing home has three (3) bedrooms, one (1) bath upstairs, ½ bath downstairs, living room and kitchen. The addition would be a family room with an exit to the outside, an expanded kitchen and an expanded master bedroom. Chairman Hodom noted that the doorways were not ADA compliant. Mr. Smaldone said his mother used a walker not a wheel chair. Her permanent residence was in Georgia and she would be in their home during the summers and major holidays. They would continue to use the home as a single family and had no plans to turn the expansion into a rental unit. Currently three (3) people live in the home without the mother.

Matthew Schewler, Empire News clarified the square footage of the addition and square footage over the allowable.

Mr. Smaldone said they had contacted some of the neighbors and received positive feedback. Judy Rettig, 533 Huron Rd., Delmar, one of their neighbors spoke in favor of the project. They were ready to start construction as soon as possible. It would be a crawl space not a full basement.

There being no further comments or questions, Chairman Hodom declared the hearing closed at 7:14.

#### **Philip and Judy Smaldone - Discussion**

Mr. Micelli said that the percentage over the allotment was not significant and due to the circumstances of the request he was in favor. Mr. Hennessey thought that the addition would match the neighborhood and make a nice home nicer. Mr. Unima agreed with the other Board members and was in favor of the project. Mr. Brookins stated that with the size of the lots in the area any additions would need variances. He did not think it would change the character of the neighborhood and was in favor of the project.

A motion to approve the application as submitted was offered by Mr. Unima, seconded by Mr. Brookins and approved by all Board members present.

Chairman Hodom directed Counsel to prepare a Resolution.

#### **Lance Crossett - Resolution**

The Board reviewed the draft Resolution prepared by Counsel.

A motion to approve the Crossett Resolution as drafted was offered by Mr. Micelli, seconded by Mr. Unima and approved by all Board members present.

#### **Patricia Van Valkenburgh and Gary Kruger - Resolution**

The Board reviewed the draft Resolution prepared by Counsel.

A motion to approve the Van Valkenburgh/ Kruger Resolution as drafted was offered by Mr. Brookins, seconded by Mr. Micelli and approved by all Board members present.

The Board reviewed the Draft minutes of September 20, 2006.

A motion to approve the minutes of September 20, 2006 as amended was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

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

The meeting adjourned at 7:26PM.