

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

October 21, 2009

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 presided.

PRESENT: Michael Hodom, Board of Appeals Chairman
Michael Moore, Zoning Board Counsel
David DeCancio, Board of Appeals Member
Lennie Micelli, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member

Mark Platel, Assistant Building Inspector
Justin Harbinger, Assistant Building Inspector

Gary & Regina Bohl
Frank Rafalik

AGENDA: Gary & Regina Bohl
Econolodge
Koch

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

PUBLIC HEARINGS

Gary & Regina Bohl

The Board had received an application for Gary & Regina Bohl for property at 8 Olympian Dr., for an area variance under Article XIII, Section 128-100, % of lot coverage.

Chairman Hodom opened the Public Hearing.

Mr. Platel said the applicant is proposing an addition to an existing dwelling of eighty (80) square feet creating a total main structure of one thousand six hundred fifty-three point three four (1,653.34) square feet. The total main structure in addition to the existing twenty-seven point five (27.5) square foot shed will create one thousand six hundred eighty point eight four (1,680.84) square foot coverage on the lot, exceeding the total allowed by eighty-nine point eight four (89.84) square feet. The percentage of lot occupancy with all structures combined will be 21.13%, which is 1.13% over the 20% allowed. The existing structure is occupied as a single family dwelling and is located in a Residence A zoning district.

A motion to indent the public hearing notice was offered by Mr. Umina, seconded by Mr. Watson 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 21, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.

the application of Gary & Regina Bohl for a variance under Article XIII, Section 128-100, percentage of lot coverage, of the Code of the Town of Bethlehem for the construction of a three (3) season room at 8 Olympian Dr., Slingerlands, NY.

Mr. Bohl presented. He said he has three (3) sons and the purpose of the room is to accommodate the large family for family dinners. He said Sunday dinners and holidays are hosted at his house. At any given time they sit sixteen (16) to twenty (20) people for Sunday dinner and on holidays it's closer to thirty (30). His mother-in-law used to do the hosting of dinners but she has since passed away and the dinners are now at the Bohl's home. They want to keep the family tradition. This addition will give them the extra room they need. They've lived there twenty-six (26) years. They have discussed the plans with their neighbors and they didn't have any objection. The neighbors they approached would be able to see the addition. Mrs. Bohl said the addition wouldn't interfere with anyone around them. Public hearing notices went out to the other neighbors. The Bohls live in the house with one adult son but everyone comes together on Sunday for dinner, including extended family members. It is tradition for the family and whether Mr. & Mrs. Bohl are home or not, the family comes together in the home for these dinners. The existing split level home consists of family room and laundry on the first level, the next level has a dining room, small living room and kitchen and the next level has the bedrooms. He said there is a structural wall between the kitchen and the living room. The addition would allow them to service through the kitchen and everyone would be able to eat together in one room.

Frank Rafalik, contractor with Great American Awning and Patio Room, said the structure would be a three (3) season room. They are upgrading the windows and the insulation to extend the usage time to nine (9) or ten (10) months. They are limited by the existing structure as to where the room could be added. He said the proposed room would fall between two (2) existing windows and that's why the size of the structure was chosen. The proposed sun room will be ten (10) by twenty-one (21) feet. The existing sunroom that will be removed is ten (10) by thirteen (13) feet. Electric will be included in the room but no heat source. He said an average size sunroom is thirteen (13) by fifteen (15) feet. They would be able to start on the project in the next few weeks. It takes about 2.5 to 3 weeks from start to the finish of the project. The shed is necessary for storage of mowers, chairs and other outside equipment. There wouldn't be enough clearance underneath the proposed room. The room would be placed on concrete piers or techno posts and the roof will be shingled to match the house.

There being no further comments, the hearing was declared closed at 7:20pm.

DISCUSSIONS

Econolodge

The Board had received an application for Econolodge, 15 Frontage Rd., Glenmont, for an area variance under Article VI, Section 128-56, F & G; parking into front and side yard setbacks.

The applicant has submitted the additional documents requested by the Board. They have attempted to purchase additional property to reduce the variance needed. The application is the

same as the application presented in 2006 and approved by the Zoning Board. The proposed improvements are required of the applicant to retain his franchise with Econolodge. When the applicant first started this process with the Town, the side yard setback requirement was five (5) feet. The applicant and his engineer have tried different configurations for the building but because of the corner lot and other applicable setback restrictions, no alternative site layouts are available. Chairman Hodom said the requested variances will be a benefit to the applicant and will have no detrimental impact on the health, safety or welfare of the community or neighborhood. The benefit sought by the applicant cannot be achieved by some other method other than the requested variances. They will not an adverse effect on the physical or environmental conditions in the neighborhood. They are the minimum necessary for the applicant needs while preserving the character of the neighborhood. The alleged difficulty was not created by the applicant. Chairman Hodom recommended the approval of the variances. He recommended adding a condition, if approved, that the applicant comply with the recommendations set forth by the Albany County Planning Board dated January 19, 2006.

Mr. Umina and Mr. Watson agreed with the Chairman. Mr. DeCancio questioned the date of the second attempt to purchase land. He said the document submitted didn't tell him what he had expected. Chairman Hodom agreed and had called the engineer, Mr. Green, to ask the same question. Mr. Green said the documents submitted were only part of a numerous paged document but they had made another attempt. Mr. DeCancio was satisfied with that explanation. He said during the public hearing the applicant had said they needed twenty (20) rooms to keep the franchise, but the documents say they need to add ten (10) rooms. Chairman Hodom said because they had to go to two (2) stories for other reasons, they decided to add the additional rooms. Mr. DeCancio decided to support the variance request. Mr. Micelli was not present at the public hearing but had reviewed the file and was on the Board the last time the variance was approved. He was in favor of granting the variance.

A motion to grant the variances as requested with conditions was offered by Mr. DeCancio, seconded by Mr. Micelli and approved by all Board members present.

Gary & Regina Bohl

Mr. Umina said the applicant would like to get started as soon as possible because of the weather. He supported the variance request.

Mr. Platel said they would still need a variance even if they reduced the size of the structure. Chairman Hodom said the room was proposed at that size because they needed the structure to fall between the two (2) windows on the existing home.

Mr. DeCancio, Mr. Watson, and Mr. Micelli all agreed that the applicants should be granted their variance request.

A motion to approve the variance as submitted was offered by Mr. DeCancio, seconded by Mr. Watson and approved by all Board members present.

RESOLUTIONS

Paul & Dianna Koch

The Board had received an application for Paul & Dianna Koch, 6 Crannell Ave., Delmar, for an area variance under Article XIII, Section 128-100, % of lot coverage & side yard setback

The Board reviewed the draft Resolution AV-0907 prepared by Board of Appeals counsel.

A motion to approve Resolution AV-0907 as amended was offered by Mr. Micelli, seconded by Mr. Watson and approved by all Board members present.

MINUTES

The Board reviewed the draft minutes of October 7, 2009 prepared by staff.

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. Micelli, seconded by Mr. DeCancio and approved by all Board members present.

The meeting adjourned at 7:40.

Respectfully Submitted,

Nanci Moquin