

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

April 1, 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
James Potter, Town Board Counsel
Lennie Micelli, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member
David DeCancio, Board of Appeals Member

Mark Platel, Assistant Building Inspector

AGENDA: Pines @ Normanside

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

PUBLIC HEARING

Pines @ Normanside

The Board had received an application from Richard Bohl for property located at the end of Leonard Place, tax map # 86.05-3-10.1. The application is for a Variance under Article XIII, Section 128-100, insufficient lot width, for lot fronting Delaware Avenue.

Mr. Platel said the applicant is proposing to subdivide a parcel of land creating a lot that will not meet the minimum highway frontage and lot width requirements. In a Commercial Hamlet Zoning District the required highway frontage and lot width are one hundred (100) feet. The proposed lot will have a highway frontage and lot width dimension of seventy-five (75) feet which is twenty-five (25) feet shy of the required. The minimum lot and bulk requirements will meet the other regulations and requirements for the 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, April 1, 2009, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Richard Bohl, The Pines @ Normanside, for a Variance under Article XIII, Section 128-100, of the Code of the Town of Bethlehem for insufficient lot width, for portion of property fronting Delaware Avenue, Delmar (86.05-3-10.1).

Mr. Tucker from Infinigy Engineering presented for the applicant. He said the variance application was a part of the overall Pines @ Normanside project which is a ten (10) lot subdivision. Two (2) of the lots are on Salisbury Rd. and eight (8) single family homes will be located off Leonard Place. The portion of the project that requires a variance is the proposed mixed use building that fronts on Delaware Avenue. The proposed lot is located in the Commercial Hamlet District. The existing lot width is seventy-five (75) feet which is twenty-five (25) feet short of the Commercial Hamlet requirements. The lot on one side is owned by the US Department of Veterans Affairs and the lot on the other side is a pediatric dentist office. The majority of the lots along Delaware Avenue are less than one hundred (100) feet in width. They are proposing a mixed use building on the lot with about three

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thousand (3,000) square feet of office space on the first floor and three (3) apartments on the second floor. The parking for the facility will be in the rear of the building and the access will be off of Leonard Place. There will not be another curb cut onto Delaware Avenue. There will be a sidewalk connection. All the requirements of the district will be met with the exception of the lot width.

Chairman Hodom asked Mr. Platel, if anyone wanting to develop the parcel would need a variance because of the seventy-five (75) foot lot width on Delaware Avenue. Mr. Platel said they needed the variance because it's being subdivided off from the entire parcel. If the parcel were to remain as one (1) piece it would be a pre-existing non-conforming lot and could be built on without a variance. The subdivision makes it necessary for the lot to meet the current requirements. He said the proposed mixed use building is allowed with site plan approval. Chairman Hodom asked if the number of proposed parking spaces were adequate for the proposed use. Mr. Tucker said they need one (1) per four hundred (400) square feet of office space, which is about eleven (11) spaces and one and one half (1.5) spaces per apartment. Mr. Platel said they would need thirteen (13) spaces for both uses and the applicant has seventeen (17) shown. On second look by Mr. Platel it was determined that two (2) spaces per apartment were needed but the applicant still meets the parking requirement.

Chairman Hodom asked if Mr. Tucker had any conversations with neighboring property owners. He said not about the variance but they did have a couple neighborhood meetings about the entire project and they have been before the Planning Board a few times. Chairman Hodom asked and Mr. Tucker confirmed that the mixed use building had always been a part of the project.

Chairman Hodom said that none of the lots on Delaware Avenue east or west of this project would meet the Zoning Code as far as the one hundred (100) foot lot width is concerned. He asked if the applicant had tried to purchase any additional property from either adjoining land owners. Mr. Tucker said both of the lots were currently occupied so they have not been approached to purchase the land or the buildings. Mr. Tucker said he thought that the Veterans Building was using the applicant's property as part of their lawn because it's been mowed and the mowing was not done by the applicant. It was confirmed that the lot would meet all the other yard and bulk requirements other than the lot width.

Mr. Tucker showed the Board an elevation of the proposed building. It would match the architectural features of homes along that corridor. The building will be Victorian in nature. They have met with the planning staff and they're comfortable with the design. The entrances for the apartments will be to the rear of the structure. The two bedroom apartments will range in size from eight hundred (800) to one thousand (1,000) square feet.

Chairman Hodom asked if they had ever considered putting a single family home on the lot. Mr. Tucker said the planning staff had encouraged the mixed use structure. They have had one application or another in front of the Town for the past five (5) or six (6) years and the mixed use structure was always a part of it. The proposed offices uses would be for small professional offices such as attorneys.

Chairman Hodom opened the Public Hearing to the audience.

Lydia Kozinski, 2 Leonard Place, said she was not really against the variance being proposed but she was strongly against the remainder of the proposed development because it will be accessed on Leonard Place. Chairman Hodom said the proposed project will need Planning Board approval and the objections she has would be better addressed to that Board. The Zoning Board is concerned with the variance application for lot width.

Mr. Umina asked the width of Leonard Place. Mr. Tucker said it varied from fifteen (15) feet to twenty-two (22) feet. He said the improvements that the applicant will be making will make Leonard Place at least twenty-two (22) feet in width. He said his client will be maintaining control of the mixed use building and be renting the space.

Ms. Kozinski thought there would be overflow parking onto Leonard Place. Chairman Hodom said the proposal meets the Code requirements for parking spaces. Mr. Potter reminded Ms. Kozinski that she will have other opportunities to voice her opinion at the Planning Board level when the applicant goes before that Board for subdivision and site plan approvals.

Mr. Yolles, 2 Leonard Place asked if it made a difference that the driveway accessing the mixed use building on Delaware Avenue was in a residential zone. Mr. Platel said Zoning Law Section 128-16 concerning multiple districts could be applied in this case. Chairman Hodom said the Board will review the section and respond to Mr. Yolles.

Ms. Kozinski said she had spoken with Mr. Bryant who owns property next to hers and he told her he was opposed to the whole project because it would be accessed from Leonard Place.

There being no further comments, the hearing closed at 7:29pm.

The Board reviewed the minutes of March 4, 2009 prepared by staff.

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

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

The meeting adjourned at 7:35pm.

Respectfully Submitted,

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