

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

December 2, 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.

PRESENT: Michael Hodom, Board of Appeals Chairman
Michael Moore, Board of Appeals Counsel
Lenni Micelli, Board of Appeals Member
David DeCancio, Board of Appeals Member
Matt Watson, Board of Appeals Member

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

Paul Hite, LLS

AGENDA: Hauerwas, Isabelle, Blanch & Lenagham

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

DISCUSSIONS

The Board had received an application for Hauerwas, Isabelle, Blanch and Lenagham, 50, 54, 56, 62 Blessing Rd., Slingerlands, for an area variance under Article VI, Supplemental Regulations, Section 128-48, Flag Lots and Shared Driveways.

Chairman Hodom started the discussion. He said the revised pole deficiency is 54.54 ft or 27 % less than required 200 feet length of flag pole. There was opposition based on two (2) primary factors; decrease in property value and not esthetically pleasing. There was no proof offered by the opposition concerning the reduction in property values and he didn't think the proposal would lower property values. The proposed architecture of the new home will be similar to those in the neighborhood. The concerns of the neighbors could be mitigated by adding a treed buffer on the easterly and possibly the southerly property line and by relocating the house further to the west as design permits. The applicants were in agreement with the mitigation suggestions. Out of the thirteen (13) requirements listed in the Code for a flag lot, this proposal was only deficient in one. The co-applicants are planning on building a home for their own use on the flag lot in order to down size. Chairman Hodom said it was a benefit to the applicant to grant the variance as weighed against the detriment to the health, safety and welfare of the neighborhood. He said an undesirable change will not be produced in the character in the neighborhood nor will it be a detriment to nearby properties will be created by the granting of the area variance. The benefit sought by the applicant's cannot be achieved by any other method than an area variance. The requested area variance is not substantial, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The difficulty was not self-created by the applicants. He recommended the granting of the variance with the conditions stated.

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

Mr. Micelli said he agreed. He understood the applicants wanted to downsize and he agreed that the neighbors did not substantiate their claim that their property values would go down. He knew the Planning Department would work with the applicant on a buffer area. He supported the granting of the variance.

Mr. Watson said the granting of the variance would not have an adverse effect on the neighborhood, he thought the request was reasonable. He supported the granting of the variance.

Mr. Umina supported the granting of the variance.

Mr. DeCancio said he had some hesitations. He went back to the location and Staffords Crossing. He said there weren't any flag pole lots in either Staffords Crossing or on Mosall Dr. He said this flag lot would be unique. He is glad the house is being moved over to give more separation. He said they would need to dig into the hill to move the house over and he wondered if the digging might have an impact on some neighbors.

Chairman Hodom said the knoll or hill that Mr. DeCancio spoke of was completely on the applicants property. Any grading would need to be done per town regulations. His concern was the buffering from the neighbors. He said a non-deciduous buffer area would block the view of the house from the neighbors. He said the Board does have precedence in granting variances for flag lots with shorter pole length. Mr. DeCancio said the last variance of that type that was granted was for a new three (3) lot subdivision, not putting a flag lot into an established neighborhood. He has concerns but will still support the granting of the variance.

A motion to approve the area variance with conditions was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

MINUTES

The Board reviewed the draft minutes of November 18, 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 7:20.

Respectfully Submitted,

Nanci Moquin