

the rear parcel is vacant land.

ACTING CHAIRMAN WIGGAND: 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 5, 2003 at 7:30 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Bethlehem Auto Laundry, Inc. for Special Exception under Article VI, Permitted Uses, Section 128-17 B (15), CC Retail Commercial District of the Code of the Town of Bethlehem for lot line revision giving Bethlehem Auto additional land for additional parking and modification to ingress/egress at premises 462 Route 9W, Glenmont, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the October 29, 2003 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.

ACTING CHAIRMAN WIGGAND: Thank you, Karen. The procedure that we use 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 favor of the Applicant and anyone desiring to speak in opposition. All comments and questions should be directed to the Board. Anyone desiring to speak will be allowed to do so, we just ask that you come up, stand or sit close to the black microphone, it's for recording purposes only. Who will be making this presentation?

MR. MANCINI: I'm Ralph Mancini.

ACTING CHAIRMAN WIGGAND: Okay. I think what we'll do is we'll get right into it as far as your presentation is concerned.

MR. MANCINI: Yes sir. I'm Ralph Mancini; Mancini and Hayko attorneys. At our last meeting there was an issue raised by Chairman and council as to possible segmentation and we had not – and there was a reference from the Albany County Planning Board that they felt that more disclosure was necessary on the rear lot at least as to what potential development would be. So we amended the short environmental assessment form to indicate that ultimately it's 5.20-acres, which I believe answered that issue we described in sixth what we're proposing to do on both sites and then I had a short addendum and the addendum basically was a response to Albany County Planning and council and chairman's comments. What we've done is I had Paul Hite prepare – and this is the existing map that we - - I had Paul prepare a schematic as to the maximum development of the site if the site went to the maximum development. As I indicated in paragraph one of the potential use of the rear parcel in the addendum there is some consideration by our client to apply for this building; the first building, which would be identified building

one, and it's to the rear of the Monroe Muffler. And that building is 8,133 plus or minus square feet; requires 34-regular parking spaces and 2-handicap spaces for a total of 36-spaces. So if you look at this here, that is the proposal that we're considering to make some time next year.

The other 2-buildings are not proposed at this time, what we did is we tried to show maximum development of the site and we show what it would be like if all 3-buildings were built, if all the parking was there. We've provided all the parking spaces that are required plus an additional 9-parking spaces for a total of 116 – to be able to show that we can meet all of the requirements for parking. We also provided a retainage, a detention/retention release facility back here to handle all on site surface drainage. Everything else on here is exactly as we presented it, so if there are any questions about that I would ask the Board to - - council, or the Board have questions about that.

ACTING CHAIRMAN WIGGAND: Other than what we're looking at on a plan here of tentative areas that are going to be used, is there any other comments you might want to make on these buildings at all. We're not getting into these buildings tonight of course. I don't want to get into these things, but are these pretty much just something you have come up with as far as maybe a possible – I noticed that all of them are the same size and they have definite use of course.

MR. MANCINI: Mr. O'Shaughnessy has had an architect working on designing this first building and that's why he has the square footage, that's why Paul was able to show that. It's still a work in progress, something that they're hoping to work on next year if these lot line changes go through this Board. And the necessary parking, drainage, etc. that would be required for this first building is about the only thing that they're considering at this time. It would be a professional type office building and that's basically the dream at this point.

ACTING CHAIRMAN WIGGAND: And of course all the traffic that is generated by those 3-buildings will have to use the same entrance.

MR. MANCINI: As modified.

ACTING CHAIRMAN WIGGAND: As modified.

MR. MANCINI: Correct.

ACTING CHAIRMAN WIGGAND: So that brings us into that portion of it. Exactly – I know I am confused a little bit on the ownership of that entrance. Are we going to do something different, are we changing that entrance at all as far as the ownership?

MR. MANCINI: Well based on what we said in the last presentation, we have not changed that. What happens is that the ownership of the 3-lanes will transfer from the front parcel to the rear parcel. And the front parcel will maintain a right of ingress and egress over it because the front parcel already has a significant access on Route 9W. We

think that that will allow us to develop the rear site at sometime in the future and allow us to get proper financing, also this site in the rear is going to be transferred to a different entity if the lot lines are approved, this will be owned by a LLC that we've set up and the property in the front will continue to be owned by the Auto Laundry.

ACTING CHAIRMAN WIGGAND: So that LLC is another corporation that you're going to be setting up that will be owned...

MR. MANCINI: Special corporation so that there will be 2-separate entities controlled by the O'Shaughnessy's, but 2-separate entities. It's proposed subject to the lot line revisions going in by this Board.

ACTING CHAIRMAN WIGGAND: But the 2-corporations are going to have equal right of ways to these entrances.

MR. MANCINI: Yes, the corporations to the rear will own it, but the company in the front will have a permanent easement of ingress and egress, which isn't quite the same but it has the same effect in the law from a practical standpoint.

MR. BROOKINS: Ralph, you mentioned that ingress and egress, but Dennis maybe you'll want to address this. You really aren't going to be exiting the current property from the 3-lanes...

MR. MANCINI: That's correct.

MR. BROOKINS: Everything's coming out through out onto 9W, through the wash area?

MR. MANCINI: There are 3-lanes, the northerly most lane is the exit lane from the property in the rear. The middle lane is the entrance lane to the property in the rear. The southerly lane is the entrance lane that comes in to the Auto Laundry and then the Auto Laundry exits over here directly to 9W.

MR. BROOKINS: Okay.

MR. LEWIS: This is the same as it was when you were here.

MR. MANCINI: Exactly, we didn't change a thing.

MR. LEWIS: The only thing that you're doing here tonight is responding to the requests of chairman Hodom that you amend some papers and give us some more information.

MR. MANCINI: Right and to be able to show what the maximum impact would be here by showing what the maximum potential development of this site is whether it will ever be built or not, we're showing it as a concept.

MRS. O'BRIEN: The total width of the driveway that we're talking about, the ingress and egress if I'm reading this correctly 42.76-feet?

MR. MANCINI: Is that correct Paul?

MR. HITE: The right of way for it is 40-some feet. The three lanes are all 12-foot lanes, which meets the Town of Bethlehem's – even on a normal highway for the Town of Bethlehem, it's 12-feet wide for each lane and that's what I made these. Three – 12-foot lanes.

MRS. O'BRIEN: Because when you're over there looking at the property, it looks pretty narrow for 3-lanes.

MR. HITE: No, it's there. We measured it.

MR. MANCINI: Paul based on your measurements, it does meet the requirement – the three 12-foot lanes.

ACTING CHAIRMAN WIGGAND: Paul if you're going to speak would you please identify yourself for the record?

MR. HITE: I'm sorry. Paul Hite, land surveyor. The 3-lanes actually per Town site plan approval standards only have to be 11-feet wide, which means 33-feet. But because of the number of cars that may be entering and exiting, I made them three 12-foot lanes, which is your typical highway standards, each lane would be 1-foot wider.

MRS. O'BRIEN: Is all of that currently paved, blacktopped there?

MR. HITE: Yes.

MRS. O'BRIEN: It is currently paved so that you're not adding additional...

MR. HITE: If you'll notice, we located the very edge of the pavement all the way through here on both sides so that is a natural collocation. Also to maybe to help clarify something else to in that as Mr. Mancini pointed out, this is an ingress and egress through out this entire strip of land here, but we do not intend to block this in any way such that if there was an emergency needed to exit out of here is something - - the vehicles that were back in here if they had to could come through here. We do not intend to put a sign up here that say's no exit by any cars, but the car wash.

MR. MANCINI: We want to have the best safety provisions that we can have so that since both sites are being owned by the same family, we want to make sure that if there's ever a problem there will be proper ingress and egress.

ATTORNEY SEELY: The easement that you intend to have the front parcel own over the 3-lanes adjacent to the car wash, is that for ingress and egress or just ingress?

MR. MANCINI: There will be an easement for ingress to this site and we haven't decided yet whether we should include all the lanes or not. Basically we only need the 1-lane, which would be adequate. If counsel or zoning people want us to make it larger to include all 3-lanes so that it's – they both have control over both parcels we can do that. We're very flexible to that. But all we really need is about 12 – well it's a little more than 12-feet – the lane that runs along their property line. And the reason for that is that we have access out here and we have an egress out here.

ATTORNEY SEELY: Right, I got the impression from when you were here last time that the intention was the traffic would exit out the front, which is where the cars would be coming through the car wash.

MR. MANCINI: No change now at all. The only difference is that instead of having a wider lane, there will be 3-lanes now going in. And there's also - - that was one of the reasons why we did a new stacking area and we have additional stacking room was to provide a lot more space for cars on busy days. Dennis, do you want to identify yourself?

MR. O'SHAUGHNESSY: Dennis O'Shaughnessy, president of Bethlehem Auto Laundry. One thing I want to make clear that right now when you pull into the car wash as you've seen it before, the people come down the road and they make the turn in here to pull into the car wash. The new driveway is about 100-foot eastwardly, okay? Our hopeful intentions is not to have any cars out here on this driveway, because now what I'm doing from behind the entrance to the carwash, I'm extending the stack space by another 100-feet. And it's not just 1-lane wide either – that 100-feet because what the design of it – I've got to find it right here – the design of it as it goes to I think 2 to 3-lanes wide so that if we ever had excess cars, I want them off of there. I don't want anybody on there. The only traffic I want on here is moving traffic that's going either to my - - either to my place, making the turn and you'll have plenty of room to stack through here or to the back. That's the intention, right now it's seldom that I stack them up back in there anyway onto this road, but with my new extra 100-feet behind the actual carwash entrance, I don't anticipate that at all; any cars stacked in that driveway, that 3-lane driveway.

ATTORNEY SEELY: If there were to be an easement over all 3-lanes for the benefit of the front parcel, do you envision that causing you any problems with the bank or your potential financing or I suppose more importantly their attorney's?

MR. MANCINI: I don't think so.

ATTORNEY SEELY: Okay, I just wanted to make sure.

MR. MANCINI: I mean we're open and flexible to that as to which way the Board and or the Building Department suggest. We just have to easement over the long lane, but we can it over the entire...

ATTORNEY SEELY: Yeah, and I'm not suggesting one way or the other, I just wanted to make sure we knew if there were going to be any adverse impacts worthy to make any such requirements.

MR. MANCINI: I don't think so. I can't speak for the bank, but having done that work for many years I don't see it as a problem. Once they have the fee and they have an ingress and egress to the rear, that's the important thing that the bank would want. There might have to be a subordination of the easement, but that's just a minor document to add to the mortgage. There was one other thing you asked us to show and I gave you each a copy. You wanted to know exactly how the new egress from the automatic carwash would look. This is a colored one and I can – might look a little neat, but you each have a copy so basically what this will do is give it a little more of a finished look. Right now it's kind of a shed effect. This will make it look a little bit more like an integrated building design and there was also a request as to the type of building materials that were going to be used and Dennis has talked to his architect and it would be wood frame construction, which is what we have there. Asphalt shingles to match the existing shingles, windows to match the existing windows, vinyl siding to match existing color and style, polycarbonate overhead door to match existing. And if you look at the pictures you'll see that it's kind of a shed effect there now; just a little shed. This will be slightly larger than it - - it'll have a much more integrated look, has some pillars and it's really quite attractive. Also there's been a thought that the architect thought that maybe a couple of cupolas on the top would kind of give it a little more of a colonial effect and that's something that Dennis would like to do and finish. He's got some proposed light fixtures out front; it should look quite nice. The intent is to have it look better than it looks now.

MRS. O'BRIEN: A couple of questions. The area that you have identified there as possible future storm drainage, retention/detention basin, is it your intent to actually put that in or dependant on conditions or what the County Board say's or, you know it say's possible future. What are the plans for that?

MR. MANCINI: Well when we build the first building, that probably won't be necessary, correct Paul? But if all 3-buildings were built because of the amount of land coverage, there would have to be a way to provide for drainage on site and Paul has done some design work and he felt that this was the best location and the appropriate place to do that based upon his experience and knowledge. Of course it's subject to whatever the Planning Board, Engineering Department would, you know suggest. We can only conceptually present that now; we can't go any further than that.

MRS. O'BRIEN: But there's no intent at this point at least of using that for additional construction; 4-buildings back there rather than the 3 you have proposed?

MR. MANCINI: No, the design, the size of the buildings and the requirement for parking would not allow 4-buildings. If you look at the parking now with the necessary driveways to access those 3-buildings, we have 9-spaces more than the minimum required. And you can see there really isn't enough room to put a 4th building in and this would be what we felt was the maximum development of the site, 3-buildings of this size

with the required parking, therefore not requiring any Variances of any kind.

MR. HITE: Perhaps also in understanding why that is where it is, under the new law that was passed in January and became effective in March, these SPEDES Permits now – if you disturb more than 1-acre of land in development, which is the regarding or conveyance of storm water, anything that effects more than 1-acre you're subject to in their review of your plan they feel that you are subject to the SPEDES Permit. You have to have an area such as this to take the storm water to and treat it and release it so that is cleaner than it is on the site now. That is a State Law; it has nothing to do with Planning Boards, this Board or anything else. If this plan subsequently from here goes through all the approvals; that will have to be done if we disturb more than 1-acre.

MRS. O'BRIEN: Right, you're saying retain it there and then dispose of it. How – is there...

MR. HITE: You release it through a pipe that allows no more water to leave the site than what is presently leaving it now. It is held and retained and cleared.

MRS. O'BRIEN: Well where is the water currently released?

MR. HITE: Right now it just runs across the land.

MRS. O'BRIEN: There's no sewage?

MR. MANCINI: This is surface water only.

MRS. O'BRIEN: This is for surface water, but what I'm saying is, it's not a basin that would be used to put it into say a storm sewer?

MR. HITE: No, there is no storm sewer.

MRS. O'BRIEN: There's no storm sewer back there, there's no drainage of any kind?

MR. HITE: Even if it was, you would have to release - - you would have to still treat it and release it into a storm sewer system as cleaner than what's on the site now.

MRS. O'BRIEN: But that's what I'm asking, as far as the property there, there's no storm sewers back there?

MR. HITE: No.

MRS. O'BRIEN: Sanitary sewers?

MR. HITE: Sanitary sewer is out in front. And that will come through that roadway back to the site.

MR. MANCINI: Part of the intent of that law that has dropped from 5-acres to 1-acre is to cut out sedimentation and mud flowing; that type of thing. And what it does is it affects the settling effect. Therefore the water gets back to the same condition that it would have been in and therefore it cuts out I guess you could refer to is filtration or pollution. That's the intent of it. The law up until now had been 5-acres, they just dropped it to one.

MRS. O'BRIEN: Well there's also a lot of problems along there with ground water, because there's more development obviously there's more ground water accumulating.

MR. MANCINI: And that's where the Planning Board, Engineering Department would come into play. When we go into design with the Town's Engineering Department and our engineer, but at this point it's just a concept and that would be necessary once we get up to full development.

MRS. O'BRIEN: The other question is where the road meets Route 9W, the - - when the cars are exiting you're saying almost 120-parking spaces. If these are office buildings, the possibility that all 120 could be exiting at the same time, are there any plans for say traffic to be only be able to turn right rather than...

MR. MANCINI: That would normally be - all were supposed to do at this stage is provide maximum concept, we're not supposed to do any engineering or anything like that and of course we haven't done any of that so I can't really answer that question. However, you do know that there is no egress over here because of a cemetery.

MRS. O'BRIEN: But there's a lot of traffic along there.

MR. MANCINI: Indeed there is and that's one of the reasons why the County Planning Board raised the issue. And that will be something that we'll have to deal with, just because we're showing maximum development doesn't mean that that might ever get built or approved. But we have to show what the maximum development from a concept standpoint, but not to do all the engineering for it.

MRS. O'BRIEN: The other question I have is the three - you show with this proposed building one a kind of an office building. Is that the same type of facility you would be likely proposing for buildings two and three? Not a more office type thing?

MR. MANCINI: Office, office.

MRS. O'BRIEN: I mean I would be concerned because of the way the access is there if anything went in that was using heavy machinery, large trucks, an auto body shop or...

MR. MANCINI: No, the only thing that's being proposed is the first building that's being proposed is a professional office building and the other two would be of similar concept, offices and or professional offices.

MRS. O'BRIEN: So you wouldn't expect to have heavy traffic coming and going? I mean big trucks going into the back parcel on a regular basis?

MR. MANCINI: You would be talking about law offices, professional offices, maybe a Doctor, an architect, that type of thing, maybe some general offices.

MR. HITE: Maybe a lawyer.

MR. MANCINI: I did mention that Paul. I watched a public hearing last night to digress in Guilderland and the lawyer said well, you know they could on this site have a 2000-square foot lawyer's office or he said they could have an 8,000-square foot Doctors office. They all said we prefer the Doctors office. I think he did that purposely to give a little humor in his presentation.

MR. LEWIS: Ralph are you or have you given to the Albany County Planning Board your concept for...

MR. MANCINI: Everything in the packet. Karen took care of that.

MR. LEWIS: So in other words they know you're thinking more of one building and the other two are sort of vague down the road.

MR. MANCINI: Right. What we actually did was I presented this exactly the way we're proposing it in that one page addendum and Karen contacted as I understand the County and explained that this was coming over as an amendment in response to their request and they're going to review it at their next meeting, which is like the 18th or something.

MR. LEWIS: Does anybody have any idea why the one they - -

ATTORNEY SEELY: Their meeting is the 18th, which is the day after our next meeting, which brings me to my question. You were first here beginning of November, correct?

MR. MANCINI: We would not have a problem with you scheduling us for say your first meeting in January because they will certainly will have their letter out by then and in addition to that that would allow us by leaving the hearing open in case some issue is raised that needs to be dealt with, you could deal with it at that meeting. I would urge you to consider that.

ACTING CHAIRMAN WIGGAND: I have a question on something else here. Where you have this parking lot for 12-spaces in the back of your existing building...

MR. MANCINI: Yes.

ACTING CHAIRMAN WIGGAND: You show ingress and egress coming back to it, but where are they going to leave that parking area? Are they going to leave along side of your other entrances or are they going to go out along side the building?

MR. MANCINI: Well the ingress and egress is to come into the parcel and to come out. When they come out, they'll come right around the building and go out here.

ACTING CHAIRMAN WIGGAND: That's my question. It doesn't show that here, I didn't know where you were going to...

MR. MANCINI: Well the intent is that they will travel out all egress from this site including the new parking spaces will be through our existing egress on 9W, because it would cause all kinds of problems.

ACTING CHAIRMAN WIGGAND: You'll have all the proper signage and all that to of course?

MR. MANCINI: What ever is necessary.

MR. O'SHAUGHNESSY: The exit right now has one-way signs going out – do not enter signs, there are strips on the parking lot showing one-way all going out that way only.

ACTING CHAIRMAN WIGGAND: That brings the other portion of my question is that we do have a sales area back here. Now that sales area is treated right now by going out that front entrance isn't it?

MR. MANCINI: Correct.

ACTING CHAIRMAN WIGGAND: The way you have set up now?

MR. MANCINI: Yup.

ACTING CHAIRMAN WIGGAND: Is this changing in any way as far as that sales area is concerned, I guess we've got 7-cars here and there's 3 over there, it was a total of 10. Is that going to stay the way it is, is it not? You're asking for us to look at this.

MR. MANCINI: Yes, the reason we put that in is over the years remember there a number of special permits that have been issued for this site. And in this area there's kind of informal parking and what we wanted to do is meet all code requirements and put in formal parking with the proper size, entrance lane and the proper size parking spaces and put them in one area right near the used car office and the detail shop, which is in the same building. And it will not change in any way the traffic flow; it will continue to go out the same way Mr. Chairman.

MR. O'SHAUGHNESSY: Cars have been parked on the grass, not in a neat way.

ACTING CHAIRMAN WIGGAND: So in other words you're going to make a definite parking area for those cars and not helter skelter in different directions?

MR. O'SHAUGHNESSY: Hide them behind the back of that building and make it neat. This is where you're supposed to park; don't park on my grass.

ACTING CHAIRMAN WIGGAND: I wanted to get on record on that, now you are.

MR. O'SHAUGHNESSY: We hate them, they're all over the grass. It's a pain in the neck.

ACTING CHAIRMAN WIGGAND: I know, you've been here before remember? We've asked those questions. The other thing is there will definitely and I want this on the record that there will be no parking of any automobile sales on that other entrance?

MR. O'SHAUGHNESSY: None.

ACTING CHAIRMAN WIGGAND: None.

MR. O'SHAUGHNESSY: Thank you.

ACTING CHAIRMAN WIGGAND: Because I know we've always had a little bit of a problem that.

MR. MANCINI: That's correct, that's part of a - - I believe that question was asked at the previous hearing we have no problem with you asking it again. It's not intended to be used.

ACTING CHAIRMAN WIGGAND: Some of the line that we had of used cars there kind of grew with times and we had a little problem with it back years ago. So anyway you've answered those questions for me. You've done good.

MR. MANCINI: Thank you very much Mr. Chairman, is there any other questions by Board members?

ACTING CHAIRMAN WIGGAND: Is there anyone wishing to speak in favor of the applicant? Is there anyone wishing to speak against the applicant? Hearing no ne, I'm going to adjourn this meeting and we'll let you know – you're going to be back here...

MR. MANCINI: Would it be possible to set it for the 1st meeting in January?

ACTING CHAIRMAN WIGGAND: Are we open for that?

MR. PLATEL: Is Albany County with the holiday's coming up going to be able to get it – send it out for certain?

ATTORNEY SEELY: Their meeting is the 3rd Thursday of every month and they've been pretty prompt I think Karen? They have their meetings and they get their notices out

to us pretty quickly after that. With the holidays coming a week later they'll have that much more incentive to get things out quicker.

ACTING CHAIRMAN WIGGAND: We show nothing here on January the 7th.

MR. MANCINI: We'd be happy to be first on your agenda.

ACTING CHAIRMAN WIGGAND: Would you like that, well we'll move on that tonight.

MR. MANCINI: Thank you very much. Thank you gentleman, appreciate your questions and accepting us again the 2nd time.

ACTING CHAIRMAN WIGGAND: Thank you very much, you've done a good job.

Hearing adjourned 8:00 p.m.

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The next order of business this evening is a public hearing for a Variance under Article XVI, Front Yards, Section 128-71, Accessory Buildings, and Article XII, Percent of Lot Occupancy, Section 128-55, Accessory Structures requested by Greg and Carol Roeder for property at 10 Fernbank Avenue, Delmar, New York. The Applicant wishes to construct a detached garage, which will encroach into the front yard setback requirement and also exceed allowable percentage of lot occupancy for an accessory structure at the premises of 10 Fernbank Avenue, Delmar, New York.

ACTING CHAIRMAN WIGGAND: Mr. Platel, please give us the reason for the hearing.

MR. PLATEL: Yes, Mr. Chairman. The Applicant wishes to demolish the existing 422.24-square foot detached garage that is on the site and construct a new 528-square foot detached garage with a proposed front yard setback of 65-feet. The new setback will be 20-feet shy of the 85-feet required. Also the lot occupancy for accessory structures will be 5.87 percent, which is .87 over the 5-percent allowed or 78-square feet over the 450-square feet that is allowed by a lot consisting of 9,000-square feet.

The existing use of the property and structures is as a single-family dwelling and is located in an "AA" Residence Zone.

ACTING CHAIRMAN WIGGAND: 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 of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, December 3, 2003 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Greg and Carol Roeder for Area Variance under Article XVI, Front Yards, Section 128-71, Accessory Structures and Article XII, Percent of Lot Occupancy, Section 128-55, Accessory Structures of the Code of the Town of Bethlehem for construction of a detached garage, which will encroach into the Front Yard setback requirement and also exceed the allowable percentage of lot occupancy for accessory structures at the premises 10 Fernbank Avenue, Delmar, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the November 26, 2003 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.

ACTING CHAIRMAN WIGGAND: Thank you, Karen. The procedure we will use this evening, we'll hear the Applicants presentation; we'll entertain any questions or comments from the audience; we'll hear any one wishing to speak in favor of the Applicant and anyone desiring to speak in opposition. All comments and questions should be directed to the Board. Anyone wishing to speak will be allowed to do so; we just request that you come up to this microphone. It's for recording purposes only. And you are Greg...

MR. ROEDER: Yes. I'm Greg Roeder, homeowner and I guess I'll get right into it and kind of go to this picture and tell you the reasons why we want to...

ACTING CHAIRMAN WIGGAND: Hold on just a minute, we can't hear you very well.

ATTORNEY SEELY: We just need to pick you up so later when she's transcribing the minutes she can pick out what it is that you're saying.

ACTING CHAIRMAN WIGGAND: Okay you can go back up there and let's see if this mic here picks it up.

MR. ROEDER: Okay. The existing garage is the dotted line here and as you can see as the existing garage, there's a fence right here and there is a neighbor here and then there's a neighbor's lot who has basically has a double lot that's undeveloped property back here, but the fence goes all the way to this point and there's a fence that comes down on this side. And as you can see there's basically a bunch of wasted space back here. We can't do anything with it, you know weeds grow back there and so forth. And what we want to do is we have one small child and one on the way, and we figured that, you know we have a pretty limited back yard as it is right now and by moving this garage forward we would free up some space here, you know for our children. That's the primary motivation.

The secondary motivation is we like to garden and sunlight comes from this direction and currently we have had a garden this past summer. We moved in in March and, you know was kind of limited to the space. We didn't have a whole lot of space to do much and so by moving this forward we free up a lot of space here. So those are the – really the two motivations.

The current garage as it stands is a – I guess it's a 40 to 50-year old structure. It's block construction up to the roof and the roof is framed. It's a very impractical roof because it's 2 by 4's, but their set at least 2-feet on center. I mean it's just - - it's very rickety kind of construction of a roof. The front doors are old carriage doors that open up this way and they're beautiful doors but their unfortunately very impractical. It's tough to even get my garbage cans out in the morning because - - well, you know for one I can't even pull one of our cars in because it's not big enough. I'm afraid I'm going to dent a door or, you know take off a mirror.

So, you know looking at the garage, you know I thought of - - originally I thought of ways of kind of modernizing the garage and it just didn't seem to make sense and then it kind of occurred to me that, you know after looking up some of the costs of kind of modernizing the garage that I thought well maybe it makes more sense to just take the garage down and if I could possibly move it up, you know I'd free up a lot of space here. It would allow a lot more sun to get into our back yard and it would basically provide a natural barrier to kind of, you know I could fence it off over here and fence it off over here – keep our kids in the back yard and our rambunctious chocolate lab who seem to like to go to my neighbors house. By the way that's Ralph Doyle, he lives over here and he has a beautiful garden over here that we can barely see because our garage kind of blocks it. So that's...

ACTING CHAIRMAN WIGGAND: Well Mr. Lewis and I visited your site today and there was no one home when we were there. We did walk that area in the back there.

MR. ROEDER: Oh you did, good.

ACTING CHAIRMAN WIGGAND: Yeah, all around the back of the garage there and we saw exactly what you meant as far as - - just weed growth there right now so you really can't do much with that. Is that what you were talking about?

MR. ROEDER: Yeah, exactly. And one of our neighbors also has children and, you know we can't really - - you know we barely see them, you know but if...

ACTING CHAIRMAN WIGGAND: So it's apparent that you're not using that land at all back there, the back of the garage.

MR. ROEDER: Right.

ACTING CHAIRMAN WIGGAND: Your existing garage. Well that garage dates – the

one that's there, that dates back a while. That's been built quite a while ago.

MR. ROEDER: Yeah. From what Ralph says – kind of knows the prior use. I think they built the garage before the house was built and they actually may have lived in the garage while they were building the house.

ACTING CHAIRMAN WIGGAND: I would say that that garage dates back to the mid 30's or somewhere back in there.

MR. DOYLE: Yeah, definitely.

ACTING CHAIRMAN WIGGAND: About there? I can tell by this type of the concrete block on the front of it.

MR. ROEDER: Oh yeah.

ACTING CHAIRMAN WIGGAND: That was all in the early days of the 30's and 40's.

MR. DOYLE: All the homes were built in the middle of the 30's.

MR. ROEDER: And, you know as the current construction stands, you know there's a big column in the middle, which takes up space, you know the columns necessary to support the roof. And what we plan to do is have a garage without a column by using engineered wood that would span the whole structure so we wouldn't have a clunky column that, you know we could potentially bump our doors into. In terms of the material we'll use will be, you know it will be wood frame construction. It'll be basically a stick frame roof and there will be some space above the garage similar to what's there now but it'll actually have a little bit of a higher roof pitch so that you could actually stand up there. The current roof is a gambrel roof so we don't really have an attic so the garage also kind of gives us some attic and storage space that we need.

ATTORNEY SEELY: Do you have proposed plans for this garage other than this square you have?

MR. ROEDER: No, I kind of held up on the architect until we, you know got some idea of whether we would get the Variance or not so I mean we intend to, you know build it to look, you know somewhat similar to what it is now. We would probably have, you know - - this house is vinyl sided, it's very, you know high-grade vinyl. We'd probably use a vinyl siding on that and a...

ACTING CHAIRMAN WIGGAND: Matching siding?

MR. ROEDER: Matching siding, architectural shingles, the windows would probably be Anderson Pro line – what is it, pro line 400 or...

ACTING CHAIRMAN WIGGAND: Your attic now in your garage, this loft as you call

it on your plan here, which is what it is. That is strictly going to be used for storage?

MR. ROEDER: Yes.

ACTING CHAIRMAN WIGGAND: It's not going to be used for any living area?

MR. ROEDER: No living area.

ACTING CHAIRMAN WIGGAND: I want to get that on the record because that's very important to us. You understand why you are here as far as the distance back from the road. It requires 85-feet and you're going to be winding up, what about 65?

MR. ROEDER: 65.

ACTING CHAIRMAN WIGGAND: That's why you're here with that.

MR. ROEDER: Correct.

ACTING CHAIRMAN WIGGAND: And Mr. Lewis and I, we visited the site and we did walk all around and back of where that addition was and all of a sudden we discovered there was dog there somewhere. Is there a dog in the house or something or somewhere?

MR. ROEDER: Oh in our house?

ACTING CHAIRMAN WIGGAND: Yeah.

MR. ROEDER: Yeah.

ACTING CHAIRMAN WIGGAND: Okay that kind of backed us up a little bit.

MR. ROEDER: Yeah, he wasn't going to get out, but I also want to mention to is that Ralph's garage – this would basically kind of bring our garage up to where Ralph's garage is so...

ACTING CHAIRMAN WIGGAND: We noticed that.

MR. ROEDER: So, you know this is generally kind of wasted space as it is now so by doing that we've kind of, you know – it'll be quite a bit of space we'll add.

ACTING CHAIRMAN WIGGAND: Now the addition that you're putting on the home here, it's a family room addition. That is what you're going to use it for is a family room, this new addition?

MR. ROEDER: This addition?

ACTING CHAIRMAN WIGGAND: Yes.

MR. ROEDER: Yes, this will be a - - currently right now is a 3-season room that is on a slab. It's got, you know storm windows pretty much surrounding it, you know we intend to take that down eventually, dig out a full foundation and of course this is going to have a, you know - 4-foot down...

ACTING CHAIRMAN WIGGAND: So I take it you're going to be building the garage first then? Is that what you're saying?

MR. ROEDER: We plan to do the garage first and, you know it all depends on, you know the architect and contractor consideration.

ACTING CHAIRMAN WIGGAND: What you're asking us to do is approving this addition also at the same time? Is that what you're saying?

MR. ROEDER: The addition isn't really...

MR. PLATEL: The addition has nothing to do with this Variance at all.

MR. ROEDER: Is not out of - - is fully...

ACTING CHAIRMAN WIGGAND: Okay, that's what I wanted to hear from him. It has nothing to do with the garage.

MR. ROEDER: Right.

ACTING CHAIRMAN WIGGAND: Fine. You're on the record with that now.

MR. ROEDER: Okay.

ACTING CHAIRMAN WIGGAND: So we're just approving the garage?

MR. PLATEL: The Lot Occupancy with the garage and the house combined will be under the 20-percent so it didn't kick any addition of the house and it's not attached so that doesn't matter either. So it was just strictly for the detached structure itself.

ACTING CHAIRMAN WIGGAND: Any other questions from the Board?

MR. BROOKINS: Have you talked with your neighbors about this?

MR. ROEDER: Yeah, we talked to pretty much everybody that would be able, you know would be able to see it from their property. So I've talked to, you know Ralph and Ralph's here. I talked to my neighbors back here, I've talked to the 3-neighbors across the street that would actually see it so and everybody...

MR. BROOKINS: What were their concerns?

MR. ROEDER: They seemed to be generally supportive, you know they didn't, you know kind of basically have the plans. Ralph has seen the plans but everyone else I kind of told them the general concept of why I'm doing it and so forth, and what I'm doing and they generally seemed supportive.

MR. LEWIS: Are you under contract to have this work done if the Board approves it?

MR. ROEDER: Am I...

MR. LEWIS: Are you currently under contract?

MR. ROEDER: No.

MR. LEWIS: To have this work done if the Board were to approve your application for a Variance?

MR. ROEDER: I'm not currently under contract, no.

MR. LEWIS: Okay. In your mind, if the Board were to approve this application, how much time do you think you'd require to get this garage done?

MR. ROEDER: I would want it done by September, you know ideally I'd like to break ground in March on it and, you know probably – it probably be done, you know by May. But if...

MR. LEWIS: But you're planning on next year?

MR. ROEDER: Yeah, within, you know I'm just saying within 6-months of approval I want to have it done.

MR. LEWIS: Thank you.

MR. ROEDER: My question is how long does approval last?

ACTING CHAIRMAN WIGGAND: Well we're the one who set the time on this.

MR. ROEDER: Okay.

ACTING CHAIRMAN WIGGAND: This Board sets the time on that and that's why that question was asked by Mr. Lewis to find out how much time or when you intended to build it.

MR. ROEDER: Right.

ACTING CHAIRMAN WIGGAND: If you're going to build it next year, that's one thing but if you're not going to build it for 2 or 3-years then you would have to come back to us again, you know and...

MR. ROEDER: No, I don't want to do that. I want to get it done.

ATTORNEY SEELY: Typically for something like this, the Board usually gives the Applicant a year from approval.

MR. ROEDER: Okay.

ATTORNEY SEELY: 18-months – it's really – we want to set it up so that you have enough time to get the work done so you don't have to come back.

MR. ROEDER: Right.

ATTORNEY SEELY: That's why we asked the question. If you tell us 6-months and we decide to approve it, then you're likely to get a year.

MR. ROEDER: Okay.

ATTORNEY SEELY: This is an example, not that getting a year buys you much time going into the winter next year, but it just doesn't...

ACTING CHAIRMAN WIGGAND: But at least we have a better idea of when you're planning on building it. Any other questions from the Board? Anyone wishing to speak in favor of this project? Please come up and identify yourself.

MR. DOYLE: My name is Ralph Doyle. I live at 14 Fernbank, which is the adjacent property to your left. I have very little to add, I mean Greg and I have had discussions since he proposed this change or the adjustment to where the structure is. And to be rather candid with you I lived there 30-years and even before they were here I thought that would probably be an excellent idea to better utilize that space in, that's all I'm going to say basically. That was my own – so when he proposed it I thought to myself if it's done correctly with good architectural work and structural things, I have no problems with it at all just officially saying it.

ACTING CHAIRMAN WIGGAND: So you're saying to us that you're in favor of it.

MR. DOYLE: Yes, I have no problems.

ACTING CHAIRMAN WIGGAND: And you're the neighbor right to the left as we're looking at the house?

MR. DOYLE: I'm at 14, Ralph Doyle right at 14 Fernbank. And if you were out there - - and the truck there while Niagra Mohawk is taking the trees and you can see where the

line of that garage would be even with my structure or what have you. Even though it comes over – why you have a 5-foot clearance or something or setback or something.

ACTING CHAIRMAN WIGGAND: Yeah it comes over a little bit there about 5-feet from the property line.

MR. DOYLE: Property line - so like I said it's kind of like a dead mans space in through there. In the back there it was really just, you know weeds were...

ACTING CHAIRMAN WIGGAND: Well I walked back there myself as I made mention and it does – there's no use for that property back there.

MR. DOYLE: It never has been, I mean it's nothing but an old fireplace that nothing has ever – and the vines and etc., etc. so rather than take up any more of your time....

ACTING CHAIRMAN WIGGAND: And if you look at the plan up there you'll see it's very close to the property line where that growth is there.

MR. DOYLE: And the fences in the back there plus I have a fence along mine and I garden it very extensively and I think a combination of use of land for children plus gardening, I mean I taught him what he should plant and shouldn't plant if you really want to know the truth. Thank you very much for your time.

ACTING CHAIRMAN WIGGAND: Okay thank you very much. Anyone else wishing to speak in favor? Is there anyone wishing to speak in opposition to this? Hearing none I'll close the hearing and you'll be notified in a timely manner. Thank you very much you did a good job.

Hearing closed 8:25 p.m.

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The next order of business was to consider the application of Bethlehem Auto Laundry, Inc., 462 Route 9W, Glenmont, New York 12077. The application was found to be in order and Mr. Lewis made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Bethlehem Auto Laundry, it is hereby ordered that a continuation of a public hearing on this matter be held January 7, 2003 at 7:30 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mr. Brookins 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 Diane Fortier, 7 Reineman Street, Albany, New York. The application was found to be in order and Mr. Lewis made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Diane Fortier, 7 Reiniman Street, Albany, New York, for Area Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings for construction of an addition, which will exceed the allowable percentage of lot occupancy at the premises 7 Reineman Street, Albany, New York 12203, it is hereby ordered that a public hearing on this matter be held January 7, 2003 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mr. Brookins 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 Galaxy Communications (Applicant), William Banahan (Owner). The application was found to be in order and Mr. Brookins made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Galaxy Communications for a special Exceptions under Chapter 113-3, 113-9 (F), to allow construction, operation and maintenance of a FM Radio Broadcasting Facility including a +/- 300-foot Tower at premises Old Quarry Road, Selkirk, New York 12158, it is hereby ordered that a public hearing on this matter be held January 21, 2003 at 7:30 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 Greg and Carol Roeder, 10 Fernbank Avenue, Delmar, New York 12054 for Variance under Article XVI, Front yards, Section 128-71, Accessory Buildings, Article XII, Percent of Lot Occupancy, Section 128-55, Accessory Buildings for construction of a detached garage, which will encroach into the Front yard Setback Requirement and exceed the percentage of lot occupancy at premises 10 Fernbank Avenue, Delmar, New York 12054. The following points were brought up by the Board members: The request is both reasonable and a minimal. The proposed detached garage will be in line with the neighbor's garage and will still be conforming with the design of the neighborhood. On a motion made by Mr. Brookins, seconded by Mrs. O'Brien, and unanimously carried by the Board, the Board directed Attorney Seely to prepare a proposed resolution granting the Variance, for presentation at the next Board meeting on December 17, 2003.

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The next order of business was to consider the proposed resolution of John and Joanne Danaher, 102 Berwick Road, Delmar, New York 12054.

The following proposed resolution was presented by Attorney Seely for the Board's consideration.

RESOLUTION

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WHEREAS, an application has been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York seeking a Variance under Article XII, Percentage of Lot Occupancy, Section 128-50, Single Family Dwellings requested by John and Joanne Danaher for property at 102 Berwick Road, Delmar, New York. The Applicant wishes to construct an addition, which will exceed the percentage of lot occupancy at the premises of 102 Berwick Road; and,

WHEREAS, the Board of Appeals, acting on said application, duly advertised in the Spotlight and sent 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 November 19, 2003; 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 Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

The Applicant wishes to construct a 10-foot by 17-foot single story addition that will add a total of 136 square feet of building area to the existing 2,079.75 square foot main structure. This will create a total structure of 2,215.75 square feet, which will be 207.52 square feet over the 2,008.23 square feet allowable. The lot occupancy will be 16.55 percent, which is 1.55 over the 15 percent lot occupancy allowable for the main structure. The existing structure is currently over the allowable lot occupancy by .53 percent and was built that way back in 1968. At this time the structure is occupied as a Single-Family Dwelling and is located in an "AA" Residence Zone.

The Applicants wish to construct the addition in order to enlarge their kitchen, which is quite small by today's standards and has a number of doorways into and out of it that adversely reduce the usable kitchen space. While the kitchen was sufficiently built for the late 1960's, today's kitchens are much larger. The Applicants examined using the current enclosed screen porch as the area for the expansion of the kitchen, but the porch extends off the family room making it impractical as a location for kitchen expansion, as well as losing the porch, which is one of the nice features of the home. The Applicants will construct the addition to match the current architecture and colors of the home.

Several neighbors submitted letters in support of the Applicants and one neighbor spoke at the hearing in favor of the Applicants. No one submitted any opposition to the Applicants.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that the Applicants require a variance for the proposed project.

This Board has balanced the benefit to the Applicants with the detriment to the health, safety, and welfare of the neighborhood and community and concludes that permitting the proposed addition, which is a minimal request, would not result in any undesirable change in the character of the neighborhood, would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district or be detrimental to adjoining property owners and that the benefit could not be achieved by some other means.

Accordingly, the Board grants the Applicant's request for a Variance to construct the proposed addition, subject to the following conditions:

1. The Applicants shall complete construction in accordance with the plans, specifications, testimony and exhibits submitted to the Board in support of the application; and,
2. The Applicants shall complete construction of the addition within one year of the date of this resolution.

December 3, 2003

Michael C. Hodom
Chairman
Board of Appeals

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Mr. Lewis made a motion that the Resolution be adopted as amended, Mr. Brookins seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Robert J. Wiggand Richard Lewis Gilbert Brookins Marjory O'Brien	None	Michael Hodom	None

(Resolution filed with the Clerk of the Town of Bethlehem on December 5, 2003.)

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On a motion made by Mrs. O'Brien, seconded by Mr. Brookins, and unanimously carried by the Board, the minutes of the November 19, 2003, meeting were approved.

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

Meeting Adjourned: 8:50 p.m.

Respectfully submitted,

Secretary