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**TOWN OF BETHLEHEM  
BOARD OF APPEALS**

**August 4, 2010**

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 Ave, Delmar New York

**PRESENT:** Lennie Micelli, Board of Appeals Member/Acting Chairman  
Michael Moore, Board of Appeals Counsel  
David DeCancio, Board of Appeals Member  
Kenny Umina, Board of Appeals Member  
Matthew Watson, Board of Appeals Member  
Mark Platel, Assistant Building Inspector  
Justin Harbinger, Assistant Building Inspector  
  
Jonathan VanDerpoel, applicant  
  
Chuck Radliff, Sr.

Acting Chairman Micelli called the meeting to order at 7:00pm noting that there is a quorum with four (4) members being present as well as Attorney Michael Moore.

**PUBLIC HEARING**

**Continuance of public hearing for applicant Jonathan VanDerpoel, 233 Route 9W, Glenmont,** for a Use Variance under Article XIII, Use and Area Schedules, Section 128-99 Schedule of Uses. The Public Hearing notice was indented into the record at Mr. VanDerpoel's first appearance before the Board relative to this application on June 16, 2010.

Acting Chairman Micelli advised the procedure to be used is to hear the Applicant's presentation, entertain any questions or comments from the audience, 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.

At the Public Hearing on June 16, the Board requested Mr. VanDerpoel present documentation of the hardships caused by the rezoning of his property to commercial, including failure to get a reasonable return, as detailed in his application. On July 19, 2010, Mr. VanDerpoel submitted all the requested documentation, including letters from two developers, Nigro Companies and L. Sipperley & Associates, and the NYS Department of Transportation.

Acting Chairman Micelli asked if there was anyone present who would like speak for or against the application. No one responded.

Acting Chairman Micelli closed the Public Hearing with a motion by Mr. Watson, seconded by Mr. Umina, with all members present in favor.

**APPLICATIONS**

On a motion from Mr. DeCancio, seconded by Mr. Watson, a public hearing was scheduled for August 18 at 7:00pm, on an application by **Connie Rukwid, 6 Alden Court, Elsmere,** for an area variance under Article XIII, Section-100 Schedule of Area, Yard and Bulk Requirements.

On a motion from Mr. Watson, seconded by Mr. Umina, a public hearing was scheduled for August 18 at 7:15pm, on an application by **Swift Builders, 15 Kenwood Avenue, Glenmont,** for an area variance under Article VI, Section 128-54, Nonconforming Uses and Article XIII, Use and Area Schedules, 128-100 Schedule of Area, Yard and Bulk Requirements.

**RESOLUTIONS**

**Thomas Paonessa, Proposed Grove Subdivision, North Bethlehem,** for area variances under

59 article XIII, Area Schedules, Section 128-100, Schedule of Bulk and Area Requirements.

60  
61 On a motion by Mr. DeCancio, seconded by Mr. Watson, with all members present in favor, the  
62 Board approved the SEQRA resolution as drafted by Attorney Moore. On a motion by  
63 Mr. Watson, seconded by Mr. DeCancio, with all members present in favor, the Board passed the  
64 Variance resolution as drafted by Attorney Moore.  
65

66 **Roger Monthie, 38 Roweland Avenue, Delmar**, for an area variance under Article V, District  
67 Regulations, Section 128-30, Core residential District, C. (3) Maximum coverage. The resolution  
68 was approved on a motion by Mr. DeCancio, seconded by Mr. Watson, with all members present  
69 in favor.  
70

#### 71 **NEW BUSINESS**

72 **Carol Cady, 19 Mill Road, Delmar**, requested an extension on the start of construction of a  
73 model home per the conditions set in her resolution granting an area variance under Article XIII,  
74 Section 128-100, Schedule of Area, Yard and Bulk Requirements. The variance was approved  
75 by the Board on August 5, 2009. Since then, there has been a financial hardship in the family  
76 and they have been unable to start construction on the project within the one year period specific  
77 in the resolution AV-0905. Mrs. Cady wrote a letter to the Chairman of the Board, requesting an  
78 extension on the time limit for starting the project. The Board unanimous approved a motion by  
79 Acting Chairman Micelli and seconded by Mr. Umina to extend the time limit by one year for a  
80 new deadline of August 5, 2011 to start and a new deadline of August 5, 2012 for completion.  
81

82 **Added:**

#### 83 **DISCUSSION**

84 **Jonathan VanDerpoel, 233 Route 9W, Glenmont**, for a Use Variance under Article XIII, Use  
85 and Area Schedules, Section 128-99 Schedule of Uses.  
86

87 It was determined at the June 16 meeting to do an uncoordinated review in regards to SEQRA.  
88 Acting Chairman Micelli reviewed Part II, Impact Assessment, of the SEQRA for Unlisted  
89 Actions. All items were answered that there would be no impact. In answering item D, Attorney  
90 Moore noted the land is not designated by the town as a Critical Environmental Area (CEA).  
91 The SEQRA review was passed on a motion by Mr. Umina, seconded by Mr. Watson, with all  
92 members present in favor.  
93

94 Under Part III, Determination of Significance, Acting Chairman Micelli indicated that the  
95 proposed action will not result in any significant adverse environmental impacts and Attorney  
96 Moore advised he would prepare the Negative Declaration and Resolution.  
97

98 Mr. Watson moved to authorize Acting Chairman Micelli to complete Part III of the SEQRA  
99 form as reviewed, seconded by Mr. Umina, and the motion passed with all members present in  
100 favor.  
101

102 Acting Chairman Micelli moved to approve the use variance to build one (1) single-family  
103 home, Mr. DeCancio seconded, and the motion passed with all members present in favor. It was  
104 noted that, with the granting of a use variance, the next step is for Mr. VanDerpoel to appear  
105 before the Planning Board for Site Plan review and approval.  
106

#### 107 **MINUTES**

108 Since only two members attending were present at the last meeting, the minutes of the July 21,  
109 2010 meeting will be voted on at the August 18 meeting.  
110

111 The meeting was closed on a motion from Mr. Micelli and seconded by Mr. DeCancio with all in  
112 favor at 7:29pm.

113 Respectfully submitted.

114 Robin Nagengast