

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

August 18, 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: Daniel Coffey, Chairman
Michael Moore, Board of Appeals Counsel
David DeCancio, Board of Appeals Member
Matthew Watson, Board of Appeals Member
Mark Platel, Assistant Building Inspector

Connie Rukwid, Applicant
Ardnt Oertel, Applicant
Greg Swift, Applicant

Chuck Radliff, Sr.

Chairman Coffey called the meeting to order at 7:00pm noting that there is a quorum with three (3) members being present as well as Attorney Michael Moore.

PUBLIC HEARING

Connie Rukwid, 6 Alden Court, Elsmere, for an area variance under Article XIII, Section-100 Schedule of Area, Yard and Bulk Requirements.

Mr. Platel: The Applicant is proposing to construct a 56.35 square foot roof addition over the existing front landing that will encroach into the front yard setback. The setback to the front property line will be 22.25', which is 2.75 feet shy of the 25 foot front yard setback requirement. The existing structure is occupied as a single family dwelling and is located in a Core Residential Zoning District.

Chairman Coffey 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.

Mr. Watson made a motion to indent the Public Hearing notice into the record, seconded by Mr. DeCancio, with all in favor.

Ardnt Oertel presented on behalf of Mrs. Rukwid. Mrs. Rukwid has a slab front stoop with no roof. Mr. Oertel has proposed a shed roof to cover Mrs. Rukwid's porch so that it will be protected from the elements. With a roof, the porch will be more functional for sitting in the summer and keep ice and snow off the porch in the winter. There are a couple of neighboring homes that have covered porches. The roof at the proposed size will just adequately cover the slab. Attorney Moore verified with Mr. Platel that the current porch conforms to code and that the variance is only required to cover the porch.

Chairman Coffey asked if there was anyone present who would like to speak for or against the application. No one responded. Chairman Coffey closed the Public Hearing.

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.

Mr. Platel: The Applicant is proposing to construct a 216.48 square foot addition to the existing structure that will create a total building area of 1,496 square feet. The total building area will

53 exceed the 1,280.2 square feet allowed by a 6,401 square foot lot by 215.8 square feet. The lot
54 occupancy will be 23.39% which is 3.39 over the 20% allowed. Also the rear yard setback to the
55 proposed addition will be 15.44 feet, which is 9.56 feet shy of the 25 foot required. The existing
56 use of the property is as a commercial office, a pre-existing and nonconforming use and is
57 located in a Core Residential Zoning District. For the board's information, the Applicant will be
58 required to receive a special use permit from the Planning Board if the variances are granted.
59 Mr. DeCancio made a motion to indent the Public Hearing notice into the record, seconded by
60 Mr. Watson, with all in favor.

61
62 Greg Swift presented on his own behalf. He showed a photo of the property when he and his
63 brothers purchased it in 1992. It was a medium-sized shack, formerly used as a concession
64 stand. The Swifts added a 400 square foot addition with a basement. There is no basement
65 under 600 square feet of the building. The nature of his business has changed from building new
66 homes to doing more remodeling and renovations for customers. This requires keeping a variety
67 of samples and options available at their offices to show to customers.

68 The business has accumulated many documents relative to customer projects that take up a great
69 deal of space. In addition, the current access to the basement is a Bilco door. It is an impractical
70 way to access samples and records because they must go outside to enter the basement. The
71 Bilco door is also an insufficient barrier to mice.

72 The proposed plan is to square off the existing building and build a fence from the corner of the
73 addition to the hedge line. The addition is designed to be single story to match the rest of the
74 building and the siding and roof will match the existing building. He doesn't expect any increase
75 in traffic to the building if the addition is built. The Little League next door is usually closed
76 during regular business hours.

77 Chairman Coffey asked if any of the surrounding land is available to purchase and expand the lot
78 size. Mr. Swift confirmed it is uncertain who owns the adjacent strip of land on the survey of his
79 property. Mr. Platel advised he did some calculations and the percent of the total lot occupancy
80 with the adjacent land included would still exceed allowable.

81 The addition will not create a need for additional parking spaces. Mr. Swift advised he will still
82 need the shed that's on the property for items where outside storage is appropriate, i.e. gas-
83 powered equipment.

84 Chairman Coffey asked if there was anyone present who would like speak for or against the
85 application. No one responded. Chairman Coffey closed the Public Hearing

86 87 APPLICATIONS

88 On a motion from Mr. Watson, seconded by Mr. DeCancio, a public hearing was scheduled for
89 September at 7:00pm, on an application by **Edward Henson, 5 Derry Lane, Glenmont** for an
90 Area Variance under Article XIII, Use and Area Schedules, Section 128-100 Schedule of Area,
91 Yard and Bulk Requirements (Minimum Setback).

92 93 RESOLUTIONS

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

96
97 On a motion by Mr. Watson, seconded by Mr. DeCancio, with all members present in favor, the
98 Board approved the SEQRA resolution as drafted by Attorney Moore. On a motion by
99 Mr. DeCancio, seconded by Mr. Watson, with all members present in favor, the Board passed the
100 Variance resolution as drafted by Attorney Moore.
101

102 **Added:**
103 **DISCUSSION**

104 **Connie Rukwid, 6 Alden Court, Elsmere**, for an area variance under Article XIII, Section-100
105 Schedule of Area, Yard and Bulk Requirements.

106 Members agreed the variance requested would cause minimal intrusion of 2.75 feet into 25 foot
107 required set back and that the proposed size of the roof would be the minimum required. The
108 board also agreed the addition will not change the character of the neighborhood. There was no
109 opposition from neighbors. Many neighbors have similar roofs.

110 Attorney Moore advised the application is a Type II, and therefore, excluded from SEQRA.
111 Mr. Watson moved to approve the area variance, Mr. DeCancio seconded, and the motion
112 passed with all members present in favor.

113
114 **Swift Builders, 15 Kenwood Avenue, Glenmont**, for an area variance under Article VI,
115 Section 128-54, Nonconforming Uses and Article XIII, Use and Area Schedules, 128-100
116 Schedule of Area, Yard and Bulk Requirements.

117
118 Chairman Coffey advised he is in favor of granting the variance because the Applicant has
119 shown an economic need and is requesting the minimum relief to satisfy their needs. The
120 addition will not change the character of the neighborhood. Mr. Watson and Mr. DeCancio
121 agreed.

122
123 Mr. DeCancio asked if additional parking will be needed. Mr. Platel advised there is sufficient
124 parking if additional square footage is added.

125
126 Attorney Moore advised this is an unlisted action under SEQRA. It was determined to do an
127 uncoordinated review in regards to SEQRA. Chairman Coffey reviewed Part II, Impact
128 Assessment, of the SEQRA for Unlisted Actions. All items were answered that there would be
129 no impact. In answering item D, Attorney Moore noted the land is not designated by the town as
130 a Critical Environmental Area (CEA). Under Part III, Determination of Significance, Chairman
131 Coffey indicated that the proposed action will not result in any significant adverse
132 environmental impacts. Mr. Watson moved to authorize Chairman Coffey to complete Part III of
133 the SEQRA form as reviewed, seconded by Mr. DeCancio, and the motion passed with all
134 members present in favor.

135
136 Mr. Watson moved to approve the area variance, Mr. DeCancio seconded, and the motion
137 passed with all members present in favor. Chairman Coffey requested Attorney Moore prepare
138 the Negative Declaration and Resolution for the September 1 ZBA Meeting.

139
140 **Cell Tower Update:**

141 Chairman Coffey advised at the previous night's meeting, the Planning Board instructed staff to
142 draft a negative declaration on SEQRA in respect to the ESCO cell tower. The Applicant agreed
143 to increase the size of the lease area to include more existing trees and the majority of board
144 members asked for a mono-pine design. There have been no new submissions from Independent
145 Towers.

146
147 **MINUTES**

148 Approval of prior meeting minutes were tabled since only two members attending were present
149 at the July 21, 2010 meeting and only two members attending were present at the August 4
150 meeting. Both will be reviewed for possible approval at the next meeting, September 1.

151
152 The meeting was closed on a motion from Mr. DeCancio and seconded by Mr. Watson with all
153 in favor at 7:58pm.

154
155 Respectfully submitted.
Robin Nagengast