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**TOWN OF BETHLEHEM
BOARD OF APPEALS**

September 1, 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
Lennie Micelli, Board of Appeals Member
Kenneth Umina, Board of Appeals Member
David DeCancio, Board of Appeals Member
Matthew Watson, Board of Appeals Member
Justin Harbinger, Assistant Building Inspector

Edward Henson, Applicant
Thomas Hockenbury, Applicant
Dan Proper, Neighbor

Chuck Radliff, Sr.

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

25
26 **PUBLIC HEARING**

27 **Ed Henson, 5 Derry Lane, Glenmont** for an Area Variance under Article XIII, Use and Area
28 Schedules, Section 128-100 Schedule of Area, Yard and Bulk Requirements (Minimum
29 Setback).

30 Mr. Harbinger: The applicant is proposing to build a 350sf addition that will result in a front
31 yard setback of 29.5 feet which is 5.5 feet shy of the 35 feet that is required. The house is
32 currently being used as a single family dwelling and is located in a Residential A zoning district.
33

34 Mr. Umina made a motion to indent the Public Hearing notice into the record, seconded by Mr.
35 Micelli, with all in favor.

36
37 Chairman Coffey advised the procedure to be used is to hear the Applicant's presentation,
38 entertain any questions or comments from the audience, hear anyone wishing to speak in favor of
39 the Applicant and anyone desiring to speak in opposition. All comments and questions should be
40 directed to the Board.
41

42 Ed Henson, the homeowner, presented on his own behalf. His wife and he would like to build a
43 350 square foot addition on their house in Colonial Acres. They considered several options for
44 building. There are bathrooms on the right side; on the left is the garage. They considered
45 building up but there was no feasible way to put a staircase is that would meet code and not take
46 a significant amount of space from the master bedroom. The most viable option was to build
47 onto the front of the house, allowing them to add two bedrooms to the front of the house and
48 convert existing bedrooms to a play area and office. The design is consistent with other
49 additions to properties in the neighborhood. The Homeowner's Association Architectural
50 Control Committee reviewed and approved his plans. Mr. DeCancio asked if the project was in
51 line with any deed of covenant in Colonial Acres. Mr. Henson advised it did. The plan is to
52 create an L-shaped ranch; the existing roof and siding will be matched. There are at least 3 other

53 L-shaped buildings that Mr. Henson is aware of in within the Colonial Acres development.
54 Chairman Coffey asked if there was room in the back of the home for the addition. Mr. Henson
55 advised there is a two year old deck in the back and that the master bedroom is also in the back.
56 He and his wife don't want to take space from the master bedroom and possibly decrease the
57 value of the home. With the addition, the house will still be within the allowable lot occupancy.
58 Chairman Coffey asked if the addition could be smaller. Tom Hockenbury, architect for Mr.
59 Henson, advised the proposed bedrooms are 11 feet by 12 feet, appropriate for growing children.
60 The addition would also eliminate dual use rooms and provide more efficient circulation between
61 existing functional areas. Mr. Hockenbury did the addition across the road from the Hensons.
62 Dan Proper, 20 West Bayberry Road, spoke in favor of the applicant and specifically mentioned
63 the intent to maintain the trees one of the reasons.

64
65 Chairman Coffey asked if there was anyone present who would like speak for or against the
66 application. No one responded. Chairman Coffey closed the Public Hearing

67 68 **APPLICATIONS**

69 On a motion from Mr. Micelli, seconded by Mr. Umina, a public hearing was scheduled for
70 September 15 at 7:00pm, on an application by **Charles & Nancy Berns, 1402 River Road,**
71 **Selkirk** for an Area Variance under Article V, District Regulations, Section 128-32, Rural
72 Riverfront District, C. Accessory Uses, (1) Location.

73 74 **RESOLUTIONS**

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

77
78 Attorney Moore advised the application is a Type II, and therefore, excluded from SEQRA.
79 Mr. Watson moved to approve the area variance, Mr. DeCancio seconded, and the motion
80 passed with all members present in favor.

81
82 **Swift Builders, 15 Kenwood Avenue, Glenmont**, for an area variance under Article VI,
83 Section 128-54, Nonconforming Uses and Article XIII, Use and Area Schedules, 128-100
84 Schedule of Area, Yard and Bulk Requirements.

85
86 Mr. DeCancio moved to approve the SEQR Negative Declaration, Mr. Watson seconded, and
87 the motion passed with all members present in favor. Mr. Watson moved to approve the
88 resolution, Mr. Umina seconded and the resolution passed with all members present in favor.

89
90 **Added:**

91 **DISCUSSION:**

92 **Ed Henson, 5 Derry Lane, Glenmont** for an Area Variance under Article XIII, Use and Area
93 Schedules, Section 128-100 Schedule of Area, Yard and Bulk Requirements (Minimum
94 Setback).

95 Attorney Moore advised the application is a Type II, and therefore, excluded from SEQRA.
96 Chairman Coffey advised he was initially a little reluctant, but after hearing the applicant's
97 presentation, he is in favor of granting the variance citing the relief requested is 5.5 feet; there
98 are other L-shaped ranches in the neighborhood; the HOA has approved and there is
99 neighborhood support. The 350 square foot addition is necessary to meet the applicant's needs
100 and there isn't an appropriate location to build onto the house other than the front. All members
101 agreed.

102 Mr. Umina moved to approve the variance, Mr. Micelli seconded and the motion passed with all
103 members present in favor.

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Cell Tower Update:

The Planning Board is discussing the Esco Tower application at its September 7 meeting. If there is action taken on SEQR at that meeting, the ESCO variance request may be before the ZBA as early as September 15.

MINUTES

The minutes of the July 21, 2010 meeting were approved on a motion from Mr. Micelli, seconded by Mr. DeCancio, with all who were present at the 7/21 meeting in favor.

The minutes of the August 4, 2010 meeting were approved on a motion from Mr. Micelli, seconded by Mr. Umina, with all who were present at the 8/4 meeting in favor.

The minutes of the August 18, 2010 meeting were approved on a motion from Mr. Watson, seconded by Mr. DeCancio, with all who were present at the 8/18 meeting in favor.

The meeting was closed on a motion from Mr. Micelli and seconded by Mr. Umina with all in favor at 7:58pm.

Respectfully submitted.
Robin Nagengast