

**TOWN OF BETHLEHEM**  
**BOARD OF APPEALS**  
**December 20, 2006**

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. Michael Hodom, Chairman, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman  
Gilbert Brookins Board of Appeals Member  
Anthony K. Umina, Board of Appeals Member  
Mark Hennessey, Board of Appeals Member  
Leonard Micelli, Board of Appeals Member  
Michael Moore, Attorney to the Board

Mark Platel, Building Inspector

AGENDA: Selkirk Warehouses  
Nathaniel Adams Blanchard Post  
Lyngard, Paul  
McDonald's Corp.

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

**Selkirk Warehouses Inc.**

The first order of business was the acceptance of the application of Selkirk Warehouses.

A motion to schedule a public hearing for the application of Selkirk Warehouses for a Variance under Article V, Section 128-39, D (4), Specific Regulations for the district, setbacks, on January 17, 2007 at 7:00PM was offered by Chairman Hodom, seconded by Mr. Umina and approved by all Board members present.

**Nathaniel Adams Blanchard Post**

The next order of business was the acceptance of the application of Nathaniel Adams Blanchard Post.

A motion to schedule a public hearing for the application of Nathaniel Adams Blanchard Post for a Variance under Article VI, Supplementary Regulations, Section 128-59 E (1), Signs, on January 3, 2007 at 7:00pm was offered by Chairman Hodom, seconded by Mr. Micelli and approved by all Board members present.

**Paul Lyngard**

Chairman Hodom began the discussion on the application of Paul Lyngard to construct a fourteen (14) foot by twenty-four (24) foot carport that would encroach into the minimum side yard setback. He had researched past applications for carports from 1995 thru 2004 in which there were seven (7). They had

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ranged in widths from nine (9) feet three (3) inches to eleven (11) feet. The eleven (11) foot wide variance was denied and then approved at ten (10) feet five (5) inches wide. He felt that with proper design of the support columns, any problems with the opening of the car doors could be alleviated. Chairman Hodom opened both doors on this Ford Explorer and it measured ten (10) feet ten (10) inches. In reviewing the criteria for an area variance he thought the proposed construction would be out of place in the neighborhood. There were no other carports in the neighborhood. He said the benefit Mr. Lyngard sought could be achieved by constructing a ten (10) foot three (3) inch wide structure that would not require a variance. He thought the fourteen (14) foot wide carport was much too big for the house and was much larger than previously approved carports. Chairman Hodom said that the alleged difficulty was self-created by Mr. Lyngard because he had chosen to turn his garage into additional living space a number of years ago. Based on the minimum standard that must be considered, he felt that a variance was not required for the applicant because he could construct a carport that would afford him the relief he sought. He suggested denial of the application as submitted and if Mr. Lyngard wanted, he could reapply for variance at a reduced width.

Mr. Hennessey asked and Mr. Micelli answered that he thought the car Mr. Lyngard purchased was a Monte Carlo. Mr. Micelli said Mr. Lyngard did not want sap from a pine tree falling onto his new car; hence the need for a carport.

Mr. Hennessey said that he had owned a Monte Carlo in the past and it was huge. He was not familiar with the size of the current models. He assumed that a twelve (12) foot wide structure would be sufficient for Mr. Lyngard's purposes.

Mr. Moore said that the Board could grant Mr. Lyngard a variance that was less than the amount he had requested without denying it entirely. If the Board decided to deny the application as submitted, Mr. Lyngard could reapply immediately with the request changed or he had 30 days to take Court action against the Board.

Mr. Brookins said that he had measured his vehicle, a GMC Yukon, and with both doors open and it came to twelve (12) feet six (6) inches. He thought the need for a fourteen (14) foot structure was a little excessive. Mr. Lyngard had said that the temporary structure he was currently using was twelve (12) feet wide and it was serving his purposes. He had not made a point that he had an excessively large vehicle. Mr. Brookins was more inclined to grant a variance to allow a twelve (12) foot wide structure.

Mr. Umina said there hadn't been any objection from the neighbors and he didn't see a problem with the fourteen (14) foot structure but if the Board was more inclined to scale that back, he would not disagree. He thought it was more productive to grant a reduced variance instead of making Mr. Lyngard come back with a revised application.

A motion to approve a variance for one point seven (1.7) feet, allowing a twelve (12) foot wide structure, was offered by Mr. Umina, seconded by Mr. Micelli with a vote of four (4) for, one (1), Chairman Hodom, against, none absent, the variance was approved by a majority four (4) to one (1) vote.

Chairman Hodom directed Counsel to prepare the Resolution to reflect the vote.

## **McDonald's Corporation**

Chairman Hodom turned the Boards attention to the McDonald's Corporation resolution. The Board reviewed the Resolution prepared by staff.

A motion to approve the Resolution as amended was offered by Mr. Micelli, seconded by Mr. Brookins and approved by all Board members present.

A motion to approve the minutes as amended was offered by Mr. Brookins, seconded by Mr. Hennessey and approved by all Board members present.

A motion to adjourn was offered by Mr. Umina, seconded by Mr. Brookins and approved by all Board members present.

The meeting adjourned at 7:30PM.