

# TOWN OF BETHLEHEM



*John Clarkson*  
*Town Supervisor*

## Zoning Board of Appeals Agenda

*David Devaprasad*  
*Chairman*

Wednesday, November 1, 2017  
6:00 PM

### **I. Call to Order**

### **II. Public Hearings**

- A. Public Hearing - Matthew Gokey-63 Salisbury Road, Delmar - for an area variance Under Article XIII, Section 128-47, Fences and Freestanding Walls and Article VI, Section 128-600, Swimming Pools, Spas and Hot Tubs, E.(17-01000023)
- B. Public Hearing - Maureen Young-67 Orchard Street, Delmar for an area variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Yard and Bulk Requirements, A.(17-01000025)

### **III. Applications - Review and Possible Public Hearing Scheduling**

### **IV. Resolutions**

- A. Paul Klein-312 Bender Lane Glenmont

### **V. Discussion/Possible Action**

- 1. Matthew Gokey-63 Salisbury Road, Delmar
- 2. Maureen Young-67 Orchard Street, Delmar

### **VI. New Business**

### **VII. Minutes Approval**

- A. Wednesday, October 18, 2017

### **VIII. Adjournment**

Next Regular Meeting November 15, 2017

**Paul Klein-312 Bender Lane Glenmont**

# TOWN OF BETHLEHEM

*John Clarkson*  
Town Supervisor

## Zoning Board of Appeals Minutes

*David Devaprasad*  
Chairman

Wednesday, October 18, 2017  
6:00 PM



### I. Call to Order

A Regular Meeting of the Zoning Board of Appeals of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 6:00 PM.

Attendee Name	Title	Status	Arrived
Dave Devaprasad	Chairman	Present	
Jane Barnes	Board Member	Present	
Joshua Beams	Board Member	Present	
Donna Giliberto	Board Member	Present	
Jeremy Martelle	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Present	
Mark Platel	Assistant Building Inspector	Present	
Craig Yaiser	Assistant Building Inspector	Present	
Kathleen Reid	Assistant to the Zoning Board of Appeals	Present	

### II. Public Hearings

- A.** Public Hearing for an application submitted by Paul Klein, 312 Bender Lane, Glenmont for an area variance under Article XIII, Section 128-100, Schedule of Area, Yard and Bulk Requirements, A. (17-01000023)

The Applicant is proposing to demolish the existing porch and reconstruct a slightly larger porch in the same location. The setback will be 23.3 feet from the front property line, 11.7 feet shy of the 35 feet required. The existing setback of 26.3 feet is a pre-existing nonconforming condition as the zoning for this location was changed in 2006.

The existing structure is occupied as a single family dwelling and is located in a Residential "A" District.

A motion to indent the Public Hearing into the minutes was offered by Mr. Martelle, Seconded by Ms. Giliberto with all in favor.

## 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, October 18, 2017 at 6:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take

Minutes Acceptance: Minutes of Oct 18, 2017 6:00 PM (Minutes Approval)

action on an application submitted by Paul Klein for an area variance located at 312 Bender Lane, Delmar. The Applicant is proposing an addition to the existing single family dwelling that does not meet the minimum setback requirement from the main structure to the front property line under Article XIII, Section 128-100 of the Town Code.

Mr. Klein spoke on his own behalf and gave a brief history of the parcel and the surrounding neighborhood. His presentation focused on the detail of the structure and aesthetics of the proposed expansion of the porch and the improvements it will make to the appearance of the existing structure. Maps provided displayed the unique shape of his property and proved that the proposal submitted is the only feasible location for cost and appearance purposes.

The following items were discussed:

- Layout of the parcel and surrounding area
- Other feasible locations
- Character of neighborhood

There was no one present in favor or opposed to the application.

The Board voted to close the Public Hearing as follows:

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Jane Barnes, Board Member
<b>SECONDER:</b>	Joshua Beams, Board Member
<b>AYES:</b>	Devaprasad, Barnes, Beams, Gilberto, Martelle

- B. Public Hearing Continuation for an application submitted by Antonino Catalano - 194 River Road, Glenmont - the proposed project would not meet set back requirements under Article V, Section 128-39 (C), Accessory Uses & Article XIII, Section 100, Yard and Bulk Requirements**

This project was last before the Board for a Public Hearing on September 20<sup>th</sup> 2017 at that time the Board voted to table the Public Hearing until ACPB had made a determination on the amended application. Charles Gottlieb, Coach White LLP, was present on behalf of the Applicant, Antonio Catalano Jr., who was also present to answer questions.

Chairman Devaprasad noted it is past the 30 day timeline for ACPB to respond to the application, therefore if the Board deems the review is complete they can vote on the proposal tonight.

Mr. Gottlieb reminded the Board that the Applicant eliminated four residential units originally proposed for the second floor and instead is proposing office space related to the convenience store. He highlighted the benefits of the project and noted that any project for this parcel would require a variance. A "cleaner" version of the survey was presented as requested by the Board at the September 20th meeting. Mr. Gottlieb reviewed the setback variance(s) needed and reminded the Board that the proposal is required to go before the

The following items were discussed:

- Alternative layout options
- Staffing of kiosk and hours of operation
- Necessity and description of the kiosk
- Flow for diesel trucks on the layout
- Safety concerns with the placement of the kiosk

The Board struggled with the location of the kiosk due to its proximity to the roadway and requested the Applicant submit an alternative layout for the kiosk that depict a visual of the parking and traffic flow.

The Board voted to table the Public Hearing at this time.

**RESULT: KEPT OPEN**

**III. Applications - Review and Possible Public Hearing Scheduling**

- **MATTHEW GOKEY-63 SALISBURY ROAD, DELMAR - FOR AN AREA VARIANCE UNDER ARTICLE XIII, SECTION 128-47, FENCES AND FREESTANDING WALLS AND ARTICLE VI, SECTION 128-600, SWIMMING POOLS, SPAS AND HOT TUBS, E.(17-0100023)**

The Board voted to accept the application and set the Public Hearing for November 1, 2017 at 6:00 PM as follows:

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Donna Giliberto, Board Member  
**SECONDER:** Joshua Beams, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

- **MAUREEN YOUNG-67 ORCHARD STREET, DELMAR FOR AN AREA VARIANCE UNDER ARTICLE XIII, USE AND AREA SCHEDULES, SECTION 128-100, SCHEDULE OF AREA, YARD AND BULK REQUIREMENTS, A.(17-0100025)**

The Board voted to accept the application and set the Public Hearing for November 1, 2017 at 6:10 PM as follows:

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Joshua Beams, Board Member  
**SECONDER:** Jane Barnes, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

**IV. Resolutions**

No Resolutions at this time

**V. Discussion/Possible Action**

- **PAUL KLEIN-312 BENDER LANE, GLENMONT**

The Board voted to APPROVE the variance(s) as follows:

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Ms. Barnes -

- Not an undesirable change to the character of the neighborhood
- No other feasible means due to the location of the septic along with additional expenses
- Not a substantial variance request
- No environmental effects
- Not self-created

Ms. Giliberto -

- Met all criteria for an area variance
- Will be an improvement on the property

Mr. Beams -

- Will improve the character of the neighborhood
- Alternatives are very costly
- Not a substantial request
- No environmental effects

Mr. Martelle -

- Will improve the character of the neighborhood
- For all reasons previously stated

Chairman Devaprasad -

- For all reasons previously stated

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jeremy Martelle, Board Member  
**SECONDER:** Joshua Beams, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

## VI. New Business

No New Business at this time

## VII. Minutes Approval

### A. Wednesday, October 04, 2017

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Jane Barnes, Board Member  
**SECONDER:** Jeremy Martelle, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

## VIII.

**Motion To:**

**RESULT:** ADJOURN [UNANIMOUS]  
**MOVER:** Jane Barnes, Board Member  
**SECONDER:** Jeremy Martelle, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

7.A

The Meeting was adjourned at 7:02 PM

Next Regular Meeting November 1, 2017

Minutes Acceptance: Minutes of Oct 18, 2017 6:00 PM (Minutes Approval)