I. Call to Order

II. Public Hearings

III. Applications - Review and Possible Public Hearing Scheduling
   A. Ravena Coeymans Selkirk School District-1146 Route 9W, Selkirk for Area Variance(s) under Article VI, Section 128-59 B(4); Article VI, Section 128-59 G(1); Article VI, Section 128-59 L(1). Signage (19-01000006)

IV. Resolutions
   A. Brian Delaney-546 Dawson Road, Delmar

V. Discussion/Possible Action

VI. New Business

VII. Minutes Approval
   A. Wednesday, May 15, 2019

VIII. Adjournment

Next Regular Meeting June 19, 2019
WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York (“Board”) by Brian Delaney and Allison White (“Applicants”) for property at 546 Dawson Road, Delmar, New York (“Property”) seeking an Area Variance under Article VIII, Section 128-100 Schedule of Bulk and Area Requirements, A (proposed addition to single-family home does not meet rear-yard setback); and

WHEREAS, the Board, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the Property and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on May 15, 2019; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the Property; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

Applicants’ Property is located on Dawson Road in the Core Residential District and is occupied by a single-family residence. Applicants propose to construct an addition to his single-family home which would extend 3.125’ into the rear yard leaving a 21.875’ setback from the property line which is not permitted under the Town Code.

Applicant Brian Delaney (“Applicant Delaney”) testified in support of the application.

Applicants had originally proposed a larger addition but revised the project as proposed to enable the construction of an addition for a bathroom and bedroom. Applicant Delaney testified that the house is set back on the lot which does not leave a lot of room for expansion. Further, the location of the existing soil and water pipes made the location of the addition as proposed the most efficient and feasible to achieve the Applicants’ goals. Applicant Delaney testified that the
addition will use the same building materials (siding, windows, and shingles) currently on the residence to be aesthetically pleasing and create no new visual impacts. Applicant Delaney testified that building a second story was cost-prohibitive and would eliminate the ranch style of home that he and his wife enjoyed.

Applicants submitted to the Board photographs of the property and elevation drawings of the addition which will match the color, siding and roofing of the home.

Applicant Delaney testified that he has not spoken with his neighbors about the proposed addition but believes the existing fence and use of the same building materials will minimize any visual impacts to neighboring residences.

The Board received no other written or oral testimony concerning the application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, and after reviewing the application, sketches, photographs and plans submitted, testimony at the hearing, and other documents submitted by the Applicants, the Board determines that the proposed variance from § 128-100 Schedule of Bulk and Area Requirements, A for 3.125 (to allow a rear yard setback of 22.875 feet) will be granted.

The Board has determined that the requested variance will be a benefit to the Applicants in the use and enjoyment of their family’s home and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. The Board determines that the addition will be a benefit to the neighborhood by improving the Property’s appearance and utility.

The benefit sought by the Applicants, sufficient additional space for a bathroom and other living space, cannot be achieved by some method other than a variance. The physical limitations of the lot and the location of the existing soil and water lines dictate the placement of the addition and offer cost-efficiencies that make the project feasible for the Applicants.

The requested variance will have no adverse effect on the physical or environmental conditions in the neighborhood.

The requested variance is not substantial, and the Board acknowledges the Applicants’ efforts to minimize the requested variance in achieving their goals.

The alleged difficulty necessitating the requested variance has been created by the Applicants’ desire to construct an addition, but this factor is outweighed by the above Findings
and Conclusions.

The proposed addition is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [c] [9] and [10]), and no environmental impact review is required.

The requested variance (§ 128-100 Schedule of Bulk and Area Requirements - rear yard setback of 21.875 feet) is GRANTED, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicants at the May 15, 2019 hearing except as the same may be modified by the Town Building Department;
2. The project shall be completed within the time required by section 128-89 (R) of the Town Code.

May 15, 2019
S. David Devaprasad
Chairman
Zoning Board of Appeals

- - -

ROLL CALL VOTE

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<tr>
<th>Yes</th>
<th>No</th>
<th>Abstain/Absent</th>
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<tr>
<td>Chairman Devaprasad</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Jeremy Martelle</td>
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<td>Jane Barnes</td>
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<td>Joshua Beams</td>
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<td>Donna Gilberto</td>
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The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on May 6, 2019.

Kathleen Reid, Secretary
Zoning Board of Appeals
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.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tr>
<td>Dave Devaprasad</td>
<td>Chairman</td>
<td>Present</td>
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<tr>
<td>Jane Barnes</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Joshua Beams</td>
<td>Board Member</td>
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<td>Donna Giliberto</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jeremy Martelle</td>
<td>Board Member</td>
<td>Excused</td>
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<tr>
<td>Mark Sweeney</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
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<tr>
<td>Craig Yaiser</td>
<td>Assistant Building Inspector</td>
<td>Present</td>
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<tr>
<td>Kathleen Reid</td>
<td>Assistant to the Zoning Board of Appeals</td>
<td>Excused</td>
<td></td>
</tr>
<tr>
<td>Amy Hood</td>
<td>Administrative Aide to the Building Department</td>
<td>Present</td>
<td></td>
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II. **Public Hearings**

A. Brian Delaney-546 Dawson Road, Delmar, for an Area Variance under Article XIII, Section 128-100 Schedule of Area, Yard and Bulk Requirements, A. (19-01000005)

The Applicant is proposing to construct an addition with a rear yard setback of 21.875 feet. This will be 3.125 feet short of the 25 foot rear yard setback.

The lot is located in the Core Residential District and is currently a single family dwelling.

A motion to indent the Public Hearing notice into the minutes was offered by Chairman Devaprasad, Seconded by Mr. Beams.

**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, May 15, 2019 at 6:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Brian Delaney for an Area Variance located at 546 Dawson Road, Delmar. The Applicant is proposing construction of an addition that
does not meet the Town Zoning Code requirements under Article VIII, Section 128-100 Schedule of Area Yard and Bulk Requirements, A.

Brian Delaney spoke on his own behalf. He presented renderings of the proposed addition and illustrated the need for expansion of the home to accommodate the size of his growing family.

Mr. Delaney described the design and location of the addition in relation to the house and added that the size of the original design was decreased to lessen the variance requested.

He added that the proposed bathroom is located close to the current plumbing eliminating additional costs and demonstrated that there is no other feasible location for the addition due to the unique layout of the parcel and location of utilities, easements and style of home.

There was no one present to speak in favor or in opposition to the request.

This application is not required for review by the Albany County Planning Board.

The Board will vote under the discussion phase of the meeting.

The Board voted to close the Public Hearing as follows:

RESULT: CLOSED [UNANIMOUS]
MOVER: Dave Devaprasad, Chairman
SECONDER: Joshua Beams, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Giliberto
EXCUSED: Jeremy Martelle

III. Applications - Review and Possible Public Hearing Scheduling

IV. Resolutions

• JOHN MANTYNEN-22 GARDNER TERRACE, DELMAR

RESOLUTION

* * *
*

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York (“the Board”) seeking an Area Variance under Article V, District Regulations, Section 128-30 Core Residential District, (C) Accessory Uses (3) Maximum Coverage (accessory structures shall not exceed 5% of the total lot area) requested by John Mantynen (“Applicant”) for property at 22 Gardner Terrace, Delmar, New York; and
WHEREAS, the Board, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on April 17, 2019 and continued on May 1, 2019; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

Applicants’ property is located on Gardner Terrace in the Core Residential Zoning District and is occupied by a single-family residence. Applicants propose to construct an elevated screened in gazebo at his property overlooking a natural wetland area. The proposed gazebo is 1.08% greater that is allowed by §128-30(C)(3) of the Code.

Applicant John Mantynen testified in support of the application.

Applicant described his desire to construct a gazebo of sufficient size to allow he and his family and two large dogs to enjoy the natural features of the property including views of a wetland area. Applicant testified that he has no affected neighbors as he has acquired one adjacent parcel and the other neighbor has passed away recently. Mr. Mantynen testified that the gazebo will add visual appeal, not be visible form the road and is being set in a place to enable he and his family and guests to enjoy the natural surroundings and have no impact on neighbors. Mr. Mantynen testified that he selected the size of the structure to specifically accommodate his
intended use a gathering place for family and friends and his two large dogs and that reducing the size of the proposed gazebo would preclude his ability to have comfortable gatherings.

Applicant submitted to the Board photographs of the property and detailed plans for the gazebo.

The Board received no other written or oral testimony concerning the application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted, testimony at the hearing, and other documents submitted by the Applicant, the Board determines that the proposed variance from § 128-30 Core Residential District, C Accessory uses, (3) Maximum Coverage of the Town Code to authorize an additional 1.08% of coverage of the total lot area will be GRANTED.

The Board has determined that the requested variance will be a benefit to the Applicant in the use and enjoyment of his property, note that this is an excellent means enjoying the natural beauty of the property and the requested variance will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. The Board determines that the gazebo will be also be a benefit to the neighborhood by improving the property’s appearance and utility.

The benefit sought by the Applicant, namely, to have sufficient space for friends and family (as well as his two dogs) to gather and enjoy the natural beauty of the property, cannot be achieved by some method other than a variance.

The requested variance will have no adverse effect on the physical or environmental conditions in the neighborhood.

The requested variance is not substantial, and the Board determines that Applicant took care to select a size for the gazebo that was the minimum necessary to achieve his intended purpose and that the requested variance is the minimum variance necessary and adequate to the Applicant’s needs and, while still preserving the character of the neighborhood.
The alleged difficulty necessitating the requested variance has been created by the Applicant’s desire to add a gazebo, but this factor is outweighed by the above Findings and Conclusions.

The proposed addition is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [c] [9] and [10]), and no environmental impact review is required.

The requested variance from Article V, District Regulations, Section 128-30, Core Residential District, C Accessory Uses (3) Maximum Coverage to authorize an additional 1.08% of coverage of the total lot area is GRANTED, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicant at the April 17, 2019 and May 1, 2019 hearing except as the same may be modified by the Town Planning or Building; and

2. The project shall be completed within the time required by section 128-89 (R) of the Town Code.

May 15, 2019

Jeremy Martelle
Acting Chairman
Zoning Board of Appeals

Kathleen Reid, Secretary
Zoning Board of Appeals

The Board voted to approve the Resolution as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Donna Gliberto, Board Member
SECONDER: Joshua Beams, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Gliberto
EXCUSED: Jeremy Martelle

- • CHRIS BOWDISH-198 ELSMERE AVENUE, DELMAR

RESOLUTION
WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York (“the Board”) seeking an Area Variance under Article VIII, Standards for Uses Requiring Special Use Permit Review, Section 128-73 (B) Accessory Apartments (4) Maximum Floor Area (floor area of apartment shall not exceed 40% of floor area or 1000 SF) requested by Chris Bowdish (“Applicant”) for property at 198 Elsmere Avenue, Delmar, New York; and

WHEREAS, the Board, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on May 1, 2019; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Zoning Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

Applicants’ property is located on Elsmere Avenue in the Core Residential Zoning District and is occupied by a single-family residence. Applicants propose to construct a ± 1434 SF accessory apartment at his property to enable him to have separate living space to age in place and accommodate family moving into the
original house. The proposed accessory apartment is 434’ greater that is allowed by §128-83(B)(4) of the Code.

Applicant Chris Bowdish testified in support of the application.

Applicant described his desire to allow one or more of his children to move into his current residence and have a separate accessory apartment to allow for him to have separate living space without having to leave the property he has owned for many years. The proposed accessory apartment, as shown on the plans submitted, is a two-story addition to the existing house that will accommodate two bedrooms and a shared bathroom upstairs and a kitchen, a half-bath and living space on the first level.

Applicant submitted to the Board photographs of the property and elevation drawings of the existing house and proposed accessory apartment which will match the color, siding and roofing of the home.

Applicant testified that he has spoken with his neighbor, Dr. Dailey, about the proposed accessory apartment and that he supports the project and submitted an email to the Board so stating. Applicant testified that the property, a flag lot, is substantially screened from views of his neighbors by vegetation and topography and is located ±220 feet back from Elsmere Avenue behind another lot with a residence. The placement of the proposed accessory apartment on the side of the home is intended to be located away from neighboring residences to minimize any visual impacts.

Applicant testified that he elected for an accessory apartment to provide he and his fiancé some privacy yet enabling him to be close to his children and grandchildren. He evaluated a possible addition to the home and determined that would not provide sufficient privacy for him nor his daughter and family moving into the main house. He advised he is near retirement and will be living on a fixed income and that the proposed accessory apartment would enable him to stay at his property and be near his family.

Michael Dailey, a neighbor, submitted an email in support of the proposed variance request.

Scott Merritt, a neighbor who lives adjacent to the rear portion of the Bowdish property testified that he had no issues with the requested variance for the accessory apartment but that he objected to a proposed pole barn shown on the site plan.
submitted by the Applicant. Mr. Merritt testified that he had received a variance in the past for his property which contained a condition that no other structures could be erected on the property. Mr. Merritt advised he’d like a similar condition to be imposed on any variance issued for 198 Elsmere Avenue. The Board advised Mr. Merritt that the variance requested did not involve the proposed pole barn and that the Planning Board would undertake review of Mr. Bowdish’s application for Special Permit and Site Plan Approval and that his concerns regarding the pole barn should be directed to the Planning Board. The Board received no other written or oral testimony concerning the application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted, testimony at the hearing, and other documents submitted by the Applicant, the Board determines that the proposed variance from § 128-73 Accessory Apartments, (B)(4) of the Town Code to authorize an additional 434 SF of living space above the floor area limitation will be granted.

The Board has determined that the requested variance will be a benefit to the Applicant in the use and enjoyment of his property and note that this is an excellent means of downsizing and remaining in the property and neighborhood the Applicant has lived in for many years. Further, the requested variance will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. The Board determines that the shed will be a benefit to the neighborhood by improving the property’s appearance and utility.

The benefit sought by the Applicant, sufficient, separate living for his retirement and to allow his daughter and family to move into the main house cannot be achieved by some method other than a variance.

The requested variance will have no adverse effect on the physical or environmental conditions in the neighborhood.

The requested variance is not insubstantial, but the Board determines that the large size of the parcel, the distance setback from Elsmere Avenue and natural screening mitigate any impact of the proposed accessory apartment and that the requested variance is the minimum variance necessary and adequate to the
Applicant’s needs and, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Applicant’s desire to add an accessory apartment, but this factor is outweighed by the above Findings and Conclusions.

The proposed addition is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [c] [9] and [10]), and no environmental impact review is required.

The requested variance - Article VIII, Standards for Uses Requiring Special Use Permit Review, Section 128-73 (B) Accessory Apartments (4) Maximum Floor Area (floor area of apartment shall not exceed 40% of floor area or 1000 SF) is GRANTED, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicant at the May 1, 2019 hearing except as the same may be modified by the Town Planning or Building Department or during other review by the Planning Board;

2. The project is subject to review by the Town Planning Board and must secure all necessary approvals prior to issuance of a building permit; and

3. The project shall be completed within the time required by section 128-89 (R) of the Town Code.

May 15, 2019

Jeremy Martelle
Acting Chairman
Zoning Board of Appeals

Kathleen Reid, Secretary
Zoning Board of Appeals
The Board voted to approve the Resolution as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Joshua Beams, Board Member
SECONDER: Jane Barnes, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Giliberto
EXCUSED: Jeremy Martelle

V. Discussion/Possible Action

- BRIAN DELANEY-546 DAWSON ROAD, DELMAR

The Board voted to APPROVE the variance request as follows:

Chairman Devaprasad-

- Applicants effort to request a variance for the minimal amount necessary
- Not an undesirable change to the neighborhood or detriment to nearby properties
- Applicant proved that the benefit cannot be achieved by any other feasible means
- Variance request is not substantial
- The hardship is self-created but is mitigated by all other factors presented

Ms. Giliberto-

- Variance request is not substantial
- Not an undesirable change to the neighborhood or detriment to nearby properties

Ms. Barnes-

- Unique parcel
- Modest addition resulting in a variance request that is less substantial
- Cost of plumbing if designed differently
- Not a detriment to neighborhood or adverse environmental effect
- Not self-created

Mr. Beams-

- For all reasons previously stated

Counsel will draft a resolution to be voted on at the next meeting.

RESULT: APPROVED [UNANIMOUS]
MOVER: Dave Devaprasad, Chairman
SECONDER: Joshua Beams, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Giliberto
EXCUSED: Jeremy Martelle

VI. New Business

VII. Minutes Approval

A. Wednesday, May 01, 2019
Chairman Devaprasad noted that he was absent for the May 1st Meeting but did review the video.

The minutes were accepted and approved as follows:

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Joshua Beams, Board Member
SECONDER: Donna Giliberto, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Giliberto
EXCUSED: Jeremy Martelle

VIII. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: Joshua Beams, Board Member
SECONDER: Jane Barnes, Board Member
AYES: Dave Devaprasad, Jane Barnes, Joshua Beams, Donna Giliberto
EXCUSED: Jeremy Martelle

The Meeting was adjourned at 6:18 PM

Next Regular Meeting June 5, 2019