

TOWN OF BETHLEHEM
Zoning Board of Adjustments Public Hearing
July 23, 2024
Minutes

Present: Ruth Heintz, Josh Lieberman, Chris McGrath and David Van Houten

Absent: Andrea Bryant

Ruth Heintz opened the public hearing at 6:04 pm

The board reviewed the minutes from June 11, 2024. David Van Houten motioned to accept the minutes as written. Josh Lieberman seconded; a 3-0 vote in favor followed. Chris McGrath abstained.

Ruth Heintz read the Public Hearing Notice for a variance application submitted by Bruce Russell for property located on River Road, Tax Map 415, Lot 17.4. The request is to reduce the structure front setback requirement of 60 feet to 29.7 feet.

The Board reviewed the application checklist. It was noted the building height was missing. Mr. Russell provided a height of 35 feet.

Chris McGrath motioned to accept the checklist as complete. David Van Houten seconded the motion; a unanimous vote followed.

The Board began their review of the Variance Criteria

1. Granting the variance would not be contrary to the public interest because:

Proposed usage is allowed within District. Similar usage exists nearby- I.E. repair shop/maintenance facility for landscaping business. Usage will not conflict with the purpose of the ordinance or threaten public health, safety or welfare.

Josh would like to know if there is anything else close to the road nearby. Bruce responded that Stoney's auto body also sits close to the road. David questioned what the EDA minimum setback was. It was pointed out that the EDA setback does not pertain to ZBA oversight.

David motioned to approve Criteria 1. Ruth seconded the motion. A unanimous vote followed.

2. If the variance were granted, the spirit of the ordinance would be observed because:

Proposed usage is allowed by ordinance but due to location of steep natural slope adjacent river, no structure can meet setback to road centerline. Granting the variance will allow reasonable permitted use on lot which is otherwise not buildable.

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Josh was concerned that the spirit of the ordinance was not answered in the application. A conversation ensued discussing those merits; safety, the road agent has no concerns, and uniformity of the neighborhood, there are other properties with buildings close to the road. Josh motions to accept criteria 2. David seconded. A unanimous vote if favor followed.

3. Granting the variance would do substantial justice because:

Due to characteristics of the lot, site is otherwise unbuildable as there isn't room to build between road setback and top of steep slope adjacent river. Doesn't want to get too close to the slope because it could erode.

Josh agrees that it is not feasible due to the lot size. David adds it would be an injustice not to be able to build on it while still paying taxes and adds it fits within the neighborhood.

David motioned to approve Criteria 3. Ruth seconded the motion. A unanimous vote followed.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Proposed uses are allowed in the district. The repair workshop will provide a storage area which will reduce existing outside storage and improve aesthetics of site.

David motioned to approve Criteria 4. Ruth seconded the motion. A unanimous vote followed.

5. Unnecessary Hardship

B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Proposed lot usage is allowed by ordinance. However, location of top of natural steep slope adjacent river will not allow placement of any usable structure in a safe location that will meet road centerline setback. The structure is located within widest area of lot at point that will also allow connection to an on-site individual septic disposal system.

David motioned to approve Criteria 5. Chris seconded the motion. A unanimous vote followed.

Chris motions to approve the application for the variance. David seconded the motion; the motion passed 4-0.

The Board sets their next meeting date for October 8th unless an earlier meeting is needed.

Ruth motioned to close the public hearing and adjourn the meeting. David seconded. Meeting adjourned.

Respectfully submitted,
Dawn Ferringo

Planning and Zoning Board Clerk