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 7:00 PM.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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</thead>
<tbody>
<tr>
<td>Daniel Coffey</td>
<td>Chairman</td>
<td>Present</td>
<td></td>
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<tr>
<td>Holly Nelson Lutz</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>David R. DeCancio</td>
<td>Board Member</td>
<td>Present</td>
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<td>Matthew C. Watson</td>
<td>Board Member</td>
<td>Present</td>
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<td>George T. Harder</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
<td></td>
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<tr>
<td>Kathleen Reid</td>
<td>Assistant to the Zoning Board of Appeals</td>
<td>Present</td>
<td></td>
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<tr>
<td>Mark Platel</td>
<td>Assistant Building Inspector</td>
<td>Present</td>
<td></td>
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</tbody>
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II. Public Hearings

A. Continuation of a Public Hearing for an Application submitted by Ray Sign Company for Bethlehem Town Center- 241 Route 9W, for an area variance under Article VI, Section 128-59, Signs (J) 1, signs in Shopping Center.

A Motion was made by Mr. Watson, Seconded by Ms. Lutz to indent the Public Hearing into the minutes.

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, June 4, 2014 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application by Ray Signs representing Bethlehem Town Center II, 241 Route 9W, Glenmont, New York for an area variance(s) under Article VI, Section 128-59, J, Signs in Shopping Centers.
The Applicant is proposing to add signage to the existing free standing sign creating a total of 113.51 square feet which is 13.51 square feet over the 100 square feet allowed. The existing use of the property is a shopping center located in the General Commercial (C) Zoning District.

Russ Hazen of Ray Signs Inc presented to the Board on behalf of the Applicant. Tenants of the shopping center expressed concern to the owner that the commercial store fronts are not visible to the main road due to the landscaped berms. The Applicant would like to increase the size of the sign so current and future tenants can be present on sign. There was a brief question & answer period. In conclusion the Board requested the Applicant submit renderings/simulations of the current/proposed sign.

No one spoke in favor or in opposition of the variance.

The project will go before the Albany County Planning Board at its June 19th meeting.

The Public Hearing was kept open as follows:
RESULT: KEPT OPEN

III. Applications - Review and Possible Public Hearing Scheduling

No new applications

IV. Resolutions

• ROBERT COYLE - 18 BROOKHAVEN LANE

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 a Variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Yard and Bulk Requirements (Minimum Rear Yard, Residential “A” District) requested by Robert Coyle (“Applicant”) for property at 18 Brookhaven Lane, Glenmont, 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 21, 2014; 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 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**

Applicant proposes to construct a deck on the rear of his home, which would be 19.5 feet from the rear property line, 5.5 less than required by the Town Code. The property is located in the Residential “A” District and is occupied by a single family home.

Applicant Robert Coyle testified in support of his appeal.

Applicant proposes to replace a small paved patio with a larger wooden deck at the rear of the home. The property is located on a corner lot, and is irregularly shaped.

Several other homes in the Milltowne Plaza neighborhood where the property is located have rear yard decks.

Applicant considered alternative designs for the deck, all of which made the deck more narrow and less functional.
The Board received no oral or written testimony objecting to 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 (minimum rear yard, Residential “A” District) will be granted.

The Board has determined that the requested variance will be a benefit to the Applicant and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. As noted, several other homes in the neighborhood have rear yard decks.

The benefit sought by the Applicant could be achieved by some method other than a variance, but given the shape of his lot, the deck would be less functional and less attractive.

The requested variance will have no adverse effect on the physical or environmental conditions in the neighborhood. The deck would be built in an area which currently is concrete and is used as a patio, which will not affect a substantial change to that area.

The requested variance is the minimum that is necessary and adequate to the Applicant’s needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created in part by the Applicant, but the Board determines that this factor is outweighed by the above findings and conclusions.
The proposed deck is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [c] [10] and [12]), and no environmental impact review is required.

The requested variance (minimum rear yard, Residential “A” District) 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 21, 2014 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.

June 4, 2014 Daniel Coffey
Chairman
Zoning Board of Appeals

The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on June ___, 2014.

Kathleen Reid, Secretary
Zoning Board of Appeals

The Board approved the Resolution for Robert Coyle, 18 Brookhaven Lane, drafted by counsel as follows:

RESULT:  APPROVED [UNANIMOUS]
MOVER:  George T. Harder, Board Member
SECONDER:  David R. DeCancio, Board Member
AYES:  Coffey, Lutz, DeCancio, Watson, Harder

- TACO BELL, HOSPITALITY SYRACUSE - 241 ROUTE 9W

A Resolution to approve the variance(s) for Taco Bell, Hospitality Syracuse was tabled until a resolution is drafted by counsel.
V. Discussion/Possible Action

None

VI. New Business

There was no new business to discuss. Attorney Michael Moore recused himself from the remainder of the meeting.

VII. Public Hearing Continuation

1. Public Hearing Continuation for an Application submitted by Phoenix Towers, LLC - for an area variance for a proposed cell tower located at 457 Route 85 f/k/a 1319 New Scotland Road.

The project was originally before the Zoning Board of Appeals (ZBA) for a Public Hearing on May 21, 2014, the Applicant has since submitted additional information. At the June 3, 2014 Planning Board meeting a balloon test was scheduled for June 20, 2014 & June 21, 2014 at 6PM, with alternate dates of June 27, 2014 & June 28, 2014. Details of the balloon test were discussed. Jacqueline Murray of The Murray Law Firm spoke on behalf of the Applicant, Phoenix Towers LLC, Peter Coppolla, a Radio Frequency Engineer (RF) representing AT&T & David Groth, RF Engineer retained by the ZBA on behalf of the Applicant were present to answer questions from the Board.

Chairman Coffey noted the following submissions to the Board since the last meeting:


A submission dated June 4, 2014 from Murray Law Firm in response to the Board's questions and comments at the May 21, 2014 meeting.

An email from Building Inspector, Mark Platel, citing Town Code requirements for telecommunication towers.

An email from Thomas Butler, Empire Site Communication Management, dated May 29, 2014.

Ms Murray reviewed the submissions provided to the Board on behalf of the Applicant. The following items were also addressed:

- Cell towers currently located next to the proposed site.
- Deed restrictions from Columbia Development for the Vista property
- Stealth tower designs
• Adequate cell coverage in relation to antenna height
• Cell Coverage Standards & Case Law
• Drive test procedures

There was no one in the audience to speak in favor of the Project.

Thomas Butler, Empire Site Communication Management spoke in opposition of the project. He previously requested the Board to consider an alternative site for the structure at the May 21, 2014 ZBA Meeting.

He is currently requesting both cellular carriers, AT&T & Verizon, undertake a radio frequency job analysis/drive test.

He requested further analysis to show that there is a need for a cell tower.

Per the Boards request Mr. Butler will submit a letter from Dr. Schultz confirming his support of Mr. Butler promoting an antenna on his building located at 9 Vista Blvd.

There has been no formal application submitted by Mr. Butler or Dr. Schultz.

The Public Hearing remains open until after the balloon test and will be on our July 2, 2014 Agenda unless otherwise noted.

Stealth designs were requested.

The Public Hearing was tabled as follows:

RESULT: KEPT OPEN

• ZONING BOARD REQUESTED INFORMATION FOR PHOENIX TOWER APPLICATION.

VIII. Minutes Approval

A. Wednesday, May 21, 2014

RESULT: ACCEPTED [4 TO 0]
MOVER: David R. DeCancio, Board Member
SECONDER: Matthew C. Watson, Board Member
AYES: Daniel Coffey, David R. DeCancio, Matthew C. Watson, George T. Harder
ABSTAIN: Holly Nelson Lutz

IX. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: Holly Nelson Lutz, Board Member
SECONDER: George T. Harder, Board Member
AYES: Coffey, Lutz, DeCancio, Watson, Harder

The Meeting was adjourned at 8:19 PM.

Next Regular Meeting Wednesday, June 18, 2014