I. Call to Order

II. Public Hearings

III. Applications - Review and Possible Public Hearing Scheduling

IV. Resolutions

1. Elaine & Greg Bell - 17 Forest Road, Delmar

V. New Business

VI. Minutes Approval

1. Wednesday, February 05, 2014

VII. Adjournment

Adjourn

Next Regular Meeting Wednesday, March 5, 2014
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 (Maximum Lot Coverage, Core Residential District) requested by Greg and Elaine Bell (“Applicants”) for property at 17 Forest Road, 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 February 5, 2013; 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
Applicants propose to construct a 304.25 square foot two-story addition to their existing home. With the addition, the home would occupy 20.65% of the Applicants’ property (excess of 50.11 square feet). The Town Code allows a maximum lot coverage of 20% in the Core Residential District.

Applicant Elaine Bell and her contractor, Tim Gross, testified in support of the application.

The proposed addition would create a new mud room and sun room downstairs; it would extend an existing bedroom and create a new full bathroom upstairs.

Applicants’ family of five has lived in the home for nearly 18 years. They would like to remain in the neighborhood, where they are close to the elementary school, the Town Park and the Town Library. They have searched for a larger home in their present neighborhood, without success.

Mr. Gross testified that Applicants did consider scaling back the size of the addition in order to avoid the need for a variance. The resulting project would not meet the Applicants’ need for additional space, and would not blend in aesthetically with the existing structure.

There are other homes in the Applicants’ neighborhood with similar additions on them.

Five of the Applicants’ neighbors, including those closest to the property, testified at the public hearing in support of the application, and one of the neighbors also submitted a written statement of support. The Board received no written or oral testimony opposing 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 Applicants, the
Board determines that the proposed variance (maximum lot coverage, Core Residential District) will be granted.

The Board has determined that the requested variance will be a benefit to the Applicants and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. Similarly sized homes in this older neighborhood of the Town have additions on them. The neighbors closest to the property all supported the application.

The benefit sought by the Applicants could be achieved by some method other than a variance but the resulting addition would not be as functional or as attractive.

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

The requested variance is not large and is the minimum variance that is necessary and adequate to the Applicants’ needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Applicants, 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][7]), and no environmental impact review is required.

The requested variance 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 February 5, 2013 hearing except as the same may be modified by the Town Building Department;
2. In the construction of the addition, the Applicants shall match, as nearly as possible, the existing roofing and siding on the home;

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

February 19, 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 February ____, 2013.

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 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>
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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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<tr>
<td>Matthew C. Watson</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>George T. Harder</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Absent</td>
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<tr>
<td>Kathleen Reid</td>
<td>Assistant to the Zoning Board of Appeals</td>
<td>Present</td>
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<tr>
<td>Mark Platel</td>
<td>Assistant Building Inspector</td>
<td>Present</td>
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II. Public Hearings

1. 7:00 - Public Hearing for an Application submitted by Greg & Elaine Bell, 17 Forest Road, Delmar, for an area variance under Article XIII Section 128-100.

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, February 5, 2014 at 7:00 PM., at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application by Elaine Bell, 17 Forest Road, Delmar for an area variance under Article XIII, Section 128-100, Schedule of area yard and bulk requirements.

The Applicant is proposing to construct a 304.75 square foot addition to the existing main structure. The proposed addition will create a new total building area of 1,587.79 square feet making the lot occupancy 20.65%, which is .65% over the 20% allowed. Elaine Bell
spoke on behalf of herself. She described the new construction to the Board and why the addition is needed.

Tim Gross, Inside Out Construction, contractor hired by the Bells, answered questions from the Board on why the size & location of the addition is the best option for the project and the homeowner.

The following residents spoke in favor of the variance:

Amy Gaffney - 19 Forest Road
Jen McCormick - 439 Wellington Road
Steve Kibrick - 33 Marlboro Road

There was no one present to speak in opposition of the variance

The Zoning Board of Appeals received a letter in favor of the Application from Jen McCormick, 439 Wellington Road that will be filed into the record.

The Public Hearing was closed as follows:

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

III. Applications - Review and Possible Public Hearing Scheduling

- PHOENIX TOWERS, LLC - 1319 NEW SCOTLAND ROAD

Chairman Coffey acknowledged receipt of an application submitted by Phoenix Towers LLC for a telecommunications facility located at 1319 New Scotland Road, Slingerlands. The Town has hired a consultant at the Applicant's expense to review the application and advise the Board if the application is complete. This will be tabled until the consultant has reviewed and reported back to the Board.

RESULT: TABLED [UNANIMOUS]
MOVER: Daniel Coffey, Chairman
SECONDER: Matthew C. Watson, Board Member
AYES: Coffey, Lutz, DeCancio, Watson, Harder

IV. Discussion/Possible Action

Motion To: Greg & Elaine Bell, 17 Forest Road

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

Chairman Coffey supported the variance as it is not significant. He felt the project would be hard to scale back and that it would not have an impact on the neighborhood.

Ms. Lutz agreed with the Contractors statement that ascetically this is the best plan for the property and would grant the variance.
Mr. DeCancio supported the variance as it would not change the character of the neighborhood and would have no adverse effect to the area. He also agreed that the variance was not significant.

Mr. Watson was in support of the variance, he felt it would blend in nicely with the neighborhood as other additions in the neighborhood are similar.

Mr. Harder was in support of the variance as the character of the neighborhood would not be adversely affected and also agreed that the variance was not significant.

The variance was voted on and approved 5-0.

V. Resolutions

- KEY BANK - 370 DELAWARE AVE

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 VI, Supplementary Regulations, Section128-59(D)(6) (Signs in H, CH and RH Districts, Lighting) requested by AJ Sign Corp. (“Applicant”), KeyBank of New York (“Owner”) for property at 370 Delaware 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 November 20, 2013 and January 15, 2014; and,

WHEREAS, the 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

Owner proposes to replace two existing internally-illuminated wall signs with two “halo-lit” wall signs of the same size and in the same location on its bank building in the Town’s Hamlet District. The Town Building Inspector determined that the proposed new signage would be “internally” illuminated. The Town Code provides that all signs in the Hamlet District may be lit by “external means only.” The proposed signs meet all other applicable requirements of the Town Code.

Carl Wheeler and Tom Wheeler of AJ Signs testified in support of the application.

The “halo” lighting proposed is a newer form of commercial signage. Traditional “internally-illuminated” signage employs translucent individual letters each internally lit (also known as “channel” letters). The Applicant’s proposed signage employs opaque letters, back-lighted with LED lights, the light source concealed and the lighting reflected off the rear of the letters or the building façade.

Applicant’s representatives testified that “halo” lighting produces a “softer” glow as compared to traditional “internally” lit signage. At the Board’s request, Applicant produced at both hearings a “mock” sign of the exact design and size proposed by the Owner to illustrate the “halo” effect. Applicant testified that the wattage of each of the two proposed signs and of the “mock” sign was 67.28 watts.

Owner also submitted photographs depicting “halo” lighting at their Glenville, NY branch.

At the Board’s request, the Town Director of Planning submitted a memo dated January 10, 2014 which: reviewed the Town Delaware Avenue Hamlet Study Design
Standards and Guidelines and Town Comprehensive Plan and found nothing addressed to sign lighting; reported on his conversation with the Planner for the City of Saratoga Springs, whose zoning code specifically allows “halo” lighting; and expressed his support for allowing “halo” lighting in the Town’s Delaware Avenue “downtown” area.

By Recommendation dated December 19, 2013 (Case No. 4-131201866) the Albany County Planning Board deferred to local consideration on the application.

The Board received no other written or oral testimony regarding 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 and mock signage submitted by the Applicant, the Board determines: 1) it will uphold the Building Inspector’s determination that the proposed “halo-lit” signs are “internally illuminated;” and 2) the proposed variance (Signs in Hamlet District, Lighting) will be granted, as conditioned below.

The Board has determined that the requested variance, as conditioned, will be a benefit to the Owner and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. The proposed signage is exactly the same size and design as the existing signage, the only change is to the manner of illumination. The Town’s Director of Planning and Economic Development supports the use of “halo” lighting in the Delaware Avenue Hamlet area.

The use of “halo” lighting will not produce an undesirable change in the character of the Delaware Avenue Hamlet neighborhood.

The benefit sought by the Owner 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 the minimum that is necessary and adequate to the Owner’s needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Owner, but in light of the above findings, this factor is not considered significant by the Board.

The proposed replacement signage is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5 [c] [2]), and no environmental impact review is required.

The requested variance is granted, on the following conditions:

1. The new signage will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicant at the November 20, 2013 and January 15, 2014 hearings except as the same may be modified by the Town Building Department;

2. Lighting on the new signage shall not exceed 67.28 watts/sign; and

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

February 5, 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 February ___, 2014.

Kathleen Reid, Secretary

Zoning Board of Appeals

RESULT: APPROVED [4 TO 1]
MOVER: Holly Nelson Lutz, Board Member
SECONDER: David R. DeCancio, Board Member
AYES: Daniel Coffey, Holly Nelson Lutz, David R. DeCancio, Matthew C. Watson
NAYS: George T. Harder

VI. New Business

Motion To: Name Mr. DeCancio as acting Chair for the 2/19/2014 Meeting

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

Chairman Coffey requested a motion to name Mr. DeCancio as acting chair in his absence at the February 19, 2014 Zoning Board of Appeals Meeting. The motion approved as shown above.

VII. Old Business

Motion To: Adoption of Amended Rules of Procedure

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

The Zoning Board of Appeals voted to adopt the amended Rules of Procedure as shown above.

VIII. Minutes Approval

1. Wednesday, January 15, 2014

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

IX. Adjournment

Motion To: Adjourn
RESULT: ADJOURN [UNANIMOUS]
MOVER: Matthew C. Watson, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Coffey, Lutz, DeCancio, Watson, Harder

The meeting was adjourned at 7:23 PM

The next Regular Meeting is Wednesday February 19, 2014