I. Call to Order

II. Public Hearings

III. Applications - Review and Possible Public Hearing Scheduling
   A. Accept Application and set Public Hearing for an application submitted by Erik Henrikson, 24 Harrison Avenue, Delmar, for an area variance for a detached garage that exceeds maximum lot coverage.
   B. Accept Application and set Public Hearing for an Application submitted by National Grid for a proposed substation located at 109 van Dyke Road, Delmar. The project requires an area variance, for height requirements and a use variance, as public utilities is not a permitted use in the Residential "A" Zoning District.

IV. Resolutions
   A. CVS Pharmacy - 416 Route 9W, Glenmont
   B. National Bank of Coxsackie, 331 Route 9W, Glenmont

V. Discussion/Possible Action

VI. New Business

VII. Minutes Approval
   A. Wednesday, October 01, 2014

VIII. Adjournment
   Adjourn

Next Regular Meeting Wednesday, October 15, 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 VI, Supplementary Regulations, Section 128-59(D)(1) and (6) (Signs in CH District, wall signs [area and illumination], freestanding signs [area, height and illumination]), by Professional Permits (“Applicant”), CVS Pharmacy (“Owner”) for property at 416 Route 9W, 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 August 20, 2014 and October 1, 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 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:
The Applicant proposed to install wall signs and a freestanding sign that would exceed the Town Code’s requirements for allowable size, height and illumination. Applicant initially proposed wall signs totaling 244.7 square feet which is 100.7 square feet over the 144 square feet allowed. The proposed 12 foot tall freestanding sign would be 2 feet over the 10 foot height allowed and, at 59 square feet, would be 27 square feet over the 32 square feet allowed. Additionally, the Applicant initially proposed that the signs would be internally illuminated and the Town Code requires that signs in the Commercial Hamlet district are to be lighted by external means only. The Owner’s pharmacy/convenience store is under construction at the property.

Carol Bugbee of Professional Permits presented to the Board in support of the requested variances.

In view of the significant number of variances requested, at the conclusion of the August 20, 2014 public hearing the Board requested the Applicant to: prepare a “mockup” of its proposed freestanding sign, consider “halo” lighting rather than the proposed traditional form of “internally” lit letters on the signs, provide photos of other CVS stores with the requested signage, and return to the Board with a proposal for reducing the scope of the variances by reducing the size of the lettering on the signs.

At the October 1, 2014 public hearing, the Applicant returned with a new proposal for the signage which significantly reduced or eliminated the originally requested variances, as follows: the freestanding sign was modified to meet the area and height requirements of the Town Code (variance needed only for illumination); the project will employ “halo” lighting on its letters and reduce the size of the lettering on the wall signs; and the total area of the wall signs was significantly reduced to 150.4 square feet, requiring a variance of 6.4 square feet.
By Recommendation dated September 22, 2014 (Case No. 4-140802044) the Albany County Planning Board deferred to local consideration on the application, with an Advisory note to “consider the precedent setting nature” of “significant area variances to the sign code” in the Town’s “commercial zone.”

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 submitted by the Applicant and the Owner, the Board determines that the proposed modified variances (wall sign, area and illumination; freestanding sign, illumination) will be granted.

The Board has determined that the modified variances will be a benefit to the Owner and will have no detrimental impact on the health, safety or welfare of the community and the commercial neighborhood where the property is located.

The benefit sought by the Applicant and Owner cannot be achieved by some method other than the modified variance application which, as noted, significantly reduces or eliminates the need for variances.

The modified variances granted by this Resolution will have no adverse effect on the physical or environmental conditions in the neighborhood.

The modified variances granted by this Resolution are the minimum that is necessary and adequate to the needs of the Owner, while still preserving the character of the neighborhood. As noted, Applicant and Owner have significantly reduced the size of the proposed signage in response to the concerns of the Board. This reduction also addresses the advisory note of the Albany County Planning Board to avoid setting a significant precedent for commercial sign
variances. The “halo” lighting approved by this Resolution, while still considered “internal”
illumination, has been approved by this Board for one other commercial property (Key Bank,
Resolution AV-1401, February 5, 2014), is preferable to the traditional form of “internally lit”
lettering prohibited by the Town Code, and was reviewed and approved by the Town Department
of Economic Development and Planning for the above-mentioned Key Bank property.

The alleged difficulty necessitating the requested variances has been created by the
Applicant and Owner but this factor is outweighed by the above findings and conclusions.

The proposed signage 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 modified variances requested by the Applicant and Owner (wall sign, area and
illumination; freestanding sign, illumination) are 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 and Owner at the August 20, 2014 and October 1, 2014
   hearings except as the same may be modified by the Town
   Building Department;

2. In particular, Applicant and Owner shall, prior to the issuance of a
   building permit, demonstrate that their proposed “halo” lighting is
   identical to that approved for the Key Bank building in Resolution
   AV-1401, February 5, 2014; and

3. The project shall be completed within the time required by section 128-89
   (R) of the Town Code.
October 15, 2014

Daniel Coffey

Chairman

Zoning Board of Appeals

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The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on October 16, 2014.

Kathleen Reid, Secretary

Zoning Board of Appeals
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, Section 128-59(J)(2) (Signs in Shopping Centers and Shopping Malls, maximum of two signs on building façade) requested by National Bank of Coxsackie ("Applicant") for property at 331 Route 9W, 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 September 3, 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 is proposing signage on three sides of its stand-alone building in the Bethlehem Town Center I mall in Glenmont. In a “shopping center” the Town Code allows a maximum of two signs on the building façade, one on each façade. The structure is occupied by the Applicant’s bank/financial institution and is located in the General Commercial zoning district.

Bank employees James Warren and Nicole Nazi testified in support of the application.

Applicant has resumed operations in a bank building that had been closed. The proposed third sign would be non-illuminated, would consist of the bank’s “Owl” logo and be located over the front (main) entrance of the bank.

Applicant testified that the logo is important for customer recognition and identification of the bank building as they enter the mall from Route 9W. The prior bank (Citizens) also had a sign over its front entrance.

The sign will only be visible by persons approaching the building from the front. It will be screened from view of the nearby highway and access road.

The signs proposed for the two other sides of the building are smaller than allowed by the Town Code. Even with the proposed third sign, the total square footage of the signs on three sides will meet the limitations of the Town Code.

No one testified in opposition to the application.

By Recommendation dated September 22, 2014 (Case No. 4-140902050) the Albany County Planning Board deferred to local consideration on 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 (signs in shopping centers, maximum of two on building façade) 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. Similar sign variances for commercial operations have recently been granted by the Board in other nearby shopping centers. The neighborhood is predominately commercial in character, and the proposed logo over the front entrance will be non-illuminated and largely screened from view of nearby roadways. Applicant has enhanced the appearance of a closed building with improvements to the structure and with landscaping.

The benefit sought by the Applicant could be achieved by eliminating signage on another building façade, but Applicant demonstrated that its stand-alone building requires identifying signage on more than two sides.

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 Applicant’s needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Applicant but this factor is outweighed by the above findings and determinations.

The proposed sign 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 (signs in shopping centers, maximum on building façade) 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 September 3, 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.

October 15, 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 October 16, 2014.

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>
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<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>
<td></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>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
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<tr>
<td>Kathleen Reid</td>
<td>Assistant to the Zoning Board of Appeals</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Mark Platel</td>
<td>Assistant Building Inspector</td>
<td>Absent</td>
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<tr>
<td>Justin Harbinger</td>
<td>Building Inspector</td>
<td>Present</td>
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II. Public Hearings

A. Public Hearing for an application submitted by DG Bethlehem Solar, LLC., for the operation of a solar energy generating facility proposed on Town of Bethlehem property (the former Town Clay Mine site), located on Bridge Street in Selkirk. Pursuant to Zoning Law Section 128-90 (B) the Zoning Board of Appeals is to apply the "balancing of interests" test when determining the applicability of the Zoning Law to quasi-public projects and, if said provision is applicable to this project, make a determination as to whether the project is to undergo site plan review.

The project site is a 79 acre parcel located on the north side of Bridge Street (NYS Route 396) in Selkirk. (The site was previously operated by the Town of Bethlehem as a permitted clay mine facility since 1986.) Through an easement to NextEra, the Town would provide approximately twenty (20) acres of land for the construction and operation of a 1MW (AC) solar facility and a 2 MW (AC) solar facility. Two facilities are being constructed in lieu of one larger facility due to a National Grid requirement. The 2 MW system will occupy approximately 11 acres of land, the smaller 1 MW system will occupy approximately 7 acres of land. Each system will be secured by a chain link fence. This production is utilized to generate a cash credit to Town accounts from National Grid. It is anticipated that the combined production of the two systems will be approximately 4,600,000 KWH per year and the first year savings realized by the Town will be approximately $193,000.
Chairman Coffey noted the Application is not for a use or area variance but an Application pursuant to section 128-90 (B), permitted actions, public or quasi-public projects - the Board is to apply the "Balancing of Interest" test to determine if the project must go before the Planning Board for site plan review.

David Albrecht, PE Civil Engineer for Borrego Solar Systems and Virginia Cook Of NextEra Energy Resources, LLC, spoke on behalf of the Town of Bethlehem. Mr. Albrecht presented a power point presentation touching on the following topics:

- **Project description** -
  - Solar generating facility; in Rural Light Industrial Zone
  - Passive use;
  - Approximately 20 acres; on an 80 acre parcel
  - 3.5 acres of tree clearing;
  - 25% reduction of electricity costs to the town.

- **Zoning Board of Appeals Interpretation**

- **Balancing of Interest Test** - nine factors used by the Board to weigh its decision

- **Next Steps** - Zoning Board determination, site plan review with Planning Board

A brief question and answer period ensued regarding maintenance, height of wires, buffers, re-planting of trees, fencing, alternate locations for the facility and the impact on wild life and the environment.

Erik Deyoe, Commissioner of Public Works, briefed the Board on the financial and environmental benefits the facility would have on the Town. In conclusion he feels the project will reduce the Town's carbon footprint and provide substantial tax payer savings and be another step in the Town's pursuit to meet the sustainability goals established in the Comprehensive Plan and Sustainable Bethlehem initiative.

Chairman Coffey opened the floor for comments on the project:

Kirk Beach - Felt it would aesthetically change the property and character of the neighborhood, feels the project needs to go to the Planning Board for a site plan review.

Linda Jasinski - Commented on the impact to the environment and wildlife, questioned alternate locations, felt the project needs to go to the Planning Board for a full site plan review.

The Public Hearing was closed as follows:

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

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B. Public Hearing continuation for an application submitted by Doug Merritt on behalf of CVS Pharmacy, 416 Route 9W, Glenmont, for signage that exceeds zoning code requirements.

An application for the proposed CVS Pharmacy, 416 Route 9W, Glenmont, was before the
Zoning Board for a sign variance(s) on August 20, 2014. The Board requested a mockup of the standalone sign, photo examples with a proposal for "halo" lighting, and a proposal for reducing the square footage of the signage (i.e., using 36 inch lettering). The Albany County Planning Board found that the proposed action would have no significant countywide or intermunicipal impact and deferred for local consideration.

Carol Bugbee of Professional Permits reviewed with the Board, revisions by the Applicant, complying more to the Towns code for signage and by reducing the overall signage.

There was no one present to speak in favor or in opposition. The Public Hearing was closed as follows:

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

III. Applications - Review and Possible Public Hearing Scheduling

IV. Resolutions

- GLENN & KELLY JEFFERS - 8 KEITH ROAD

RESOLUTION

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* 

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 side yard, Core Residential District) requested by Glenn and Kelly Jeffers ("Applicants") for property at 8 Keith 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 September 17, 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

Applicants propose to build a second floor addition to their single family residence on the property. If constructed as proposed, the setback to the side property line would be 5.9 feet or 2.1 feet less than the 8 feet required by the Town Code. The property is located in a Core Residential District.

Applicant Glenn Jeffers and his architect Daniel Sanders testified in support of the application.

The proposed addition would create a new master bedroom with bath and a walk-in closet, built above the existing garage on the home.

The proposed addition is about three feet wider than the existing garage. Mr. Sanders testified that making the addition narrower would impair the functionality of the new master suite.

There is an existing landscape buffer on the side of the house where the addition is proposed, which will remain, screening the addition from view.
The addition would be constructed with siding and roofing to match the existing materials on the house. The addition will have new columns adjacent to a walkway below the addition leading to the rear yard. These design features are in harmony with the nearby homes in the neighborhood.

The Board received several written statements supporting the application from nearby owners. No one testified in opposition to the project.

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 (minimum side yard, 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. There was significant neighborhood support for the project, including from residents closest to the property. The design of the addition will be compatible with the existing homes in the neighborhood. The addition will be screened from the view of the nearest property.

The benefit sought by the Applicants, a new and functional master suite, cannot practically 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 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 determinations.

The proposed addition is a “Type II” action under the NY State Environmental Quality Review Act ("SEQRA") (6 NYCRR 617.5 [c] [10], [12]), and no environmental impact review is required.

The requested variance (minimum side yard, Core Residential 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 Applicants at the September 17, 2014 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.

October 1, 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 ____, 2006.

Kathleen Reid, Secretary
Zoning Board of Appeals
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 V, District Regulations, Section 128-39 (C)(1) (Rural Light Industrial District, accessory uses, location, front yard) requested by Cyprus Shriners (“Applicant”) for property at 27 Hannay 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 August 20, 2014 and September 17, 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 seeks to construct an array of ground mounted photovoltaic cells (solar panels) within the front yard setback of its property in the Rural Light Industrial District. The Town Code requires a 50 foot front yard setback and prohibits accessory structures from the front yard setback area. As originally proposed, the project would be set back 10 feet from the front property line. The property is occupied by a principal building and is used for the Applicant’s social, philanthropic and charitable purposes. An additional solar panel array on the roof of the principal building meets all requirements of the Town Code. The project will also require site plan approval from the Town Planning Board.

Representatives of the Applicant’s contractor, Monolith Solar, testified in support of the application.

The proposed solar array would significantly offset the Applicant’s electricity costs and will also help to promote its mission of environmental stewardship.

Applicant’s property is large and mostly undeveloped. At the August 20 public hearing the Board requested the Applicant to consider other areas on the property where the solar array might be located without the need for a variance.

Monolith Solar reported on alternate locations at the September 17 public hearing. The Applicant’s paved parking lot and adjacent areas are needed to accommodate its large events. The larger unpaved parking area at the rear of Applicant’s principal building is used annually for a large event supporting its charitable fundraising efforts. The “gazebo” area adjacent to the principal building is a scenic destination for photography during weddings and other social events on the property. Monolith testified that undeveloped areas at the edge of the rear parking area are also not feasible because of: inappropriate soil conditions (the solar panels must be able to withstand significant wind speeds); and these areas include fill...
material from the former World Trade Center site in New York City which Applicant does not wish to disturb.

At the September 17 hearing, Monolith also reported that the solar array could be moved back an additional five (5) feet at the proposed front yard location, still requiring a variance but reducing the size of the encroachment (variance of 35 feet).

At the September 17 public hearing, the Board received a letter from the Applicant attesting to the importance of the project to its long term operations. The Board received no testimony in opposition to the project. Monolith reported that several attempts were made to speak with the property owner adjoining the proposed ground location of the solar array (a truck yard) without success.

By Recommendation dated September 22, 2014 (Case No. 4-140802043) the Albany County Planning Board deferred to local consideration on 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 (accessory structures, front yard, Rural Light Industrial District), as amended on September 17, 2014, will be granted.

The Board has determined that the variance will be a benefit to the Applicant by promoting its financial well-being thus enhancing its ability to continue its charitable and social purposes. The 35-foot variance will have no detrimental impact on the health, safety or welfare of the community and the neighborhood. The property owner adjoining the “front yard” area where the solar array is to be located did not appear or take a position on the application. The proposed solar array will not
be visible from any other nearby properties. The Board notes that the Town’s Comprehensive Plan seeks to promote energy efficiency and conservation and the use of renewable energy sources, such as solar power, in both public and private buildings. The Applicant’s project promotes that goal.

Alternative locations for the proposed solar array on the property not needing a variance are not feasible from a technical standpoint (soil conditions) or because these areas are dedicated to other uses.

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

The variance, even as amended, is significant but is the minimum variance that is necessary and adequate to the Applicant’s needs while still preserving the character of the neighborhood. The Board determines that the Applicant’s property, both its location within the District (proximity to the NYS Thruway) and the configuration of its front yard, are sufficiently unique such that this determination cannot be deemed to set a precedent for future requests to vary a front yard setback.

The alleged difficulty necessitating the variance has been created by the Applicant, but this factor is outweighed by the above findings and determinations.

The proposed solar array is a “Type II” action under the NY State Environmental Quality Review Act (“SEQRA”) (6 NYCRR 617.5[c][7] and [12]), and no environmental impact review is required.

The requested variance of 35 feet (accessory structures, front yard, Rural Light Industrial 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 August 20, 2014 and September 17, 2014 hearings except as the same may be modified by the Town Planning Board or Building Department;
2. The project shall be completed within the time required by section 128-89 (R) of the Town Code.

October 1, 2014

Daniel Coffey
Chairman
Zoning Board of Appeals

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

Kathleen Reid, Secretary
Zoning Board of Appeals

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

V. Discussion/Possible Action

Motion To: National Bank of Coxsackie - 331 Route 9W, Glenmont

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

Albany County Planning Board differed to local consideration. The Board approved the variances for the following reasons:

Chairman Coffey - In favor of granting the variance as the applicant demonstrated the signage would not be a significant change to the neighborhood as similar variances were granted on the 9W corridor.

Ms. Lutz - In favor of granting the variance, if there was any detriment it is significantly outweighed by the benefit for signage towards the Walmart parking lot.

Mr. DeCancio - Agreed to grant the variance as the substantiality of the request is not big.

Mr. Watson - Agreed to support the variance.
Mr. Harder - Agreed to support the variance.

Counsel will draft a Resolution to be voted on at the October 17, 2014 Meeting.

The Variance was voted on and approved as follows:

**Motion To: CVS**

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<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
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<tr>
<td>MOVER:</td>
<td>Matthew C. Watson, Board Member</td>
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<tr>
<td>SECONDER:</td>
<td>George T. Harder, Board Member</td>
</tr>
<tr>
<td>AYES:</td>
<td>Coffey, Lutz, DeCancio, Watson, Harder</td>
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</table>

Albany County Planning Board deferred to local consideration. The Board approved the variance(s) for the following reasons:

Chairman Coffey - Agreed to grant the variance(s) for Halo lighting so long as it is in the same style as that which the Board approved for Key Bank on Delaware Avenue. The standalone sign was reduced from the Applicants original proposal.

Mr. DeCancio - In support of the variance(s), appreciative that CVS came back with revisions after hearing the Boards comments and concerns and by reducing the variance(s).

Ms. Lutz - Agreed to approve the variance while goose neck lighting is not preferred it is consistent with previous determinations. Revisions the applicant made to comply are significant.

Mr. Watson - In favor of supporting the variance(s) and appreciated the modifications made address the Boards concerns.

Mr. Harder - Agrees to approve the variance(s) based on the Applicants cooperation with the Board suggestions and the compromises made.

Counsel will draft a Resolution to be voted on at the October 17, 2014 Meeting.

The Variance(s) where approved as follows:

3. **DG Bethlehem Solar, LLC - Bridge Street, Selkirk**

Chairman Coffey noted the project is a Type II Action - SEQR review is not required in the case of the Zoning Board of Appeals interpretation of the code. Only if the project goes to the Planning Board for site plan review will a SEQR review be required along with submission to the Albany County Planning Board.

Chairman Coffey read the "Balancing of Interest Test" nine factors to be used by the Board to weigh its decision on requiring the Application to go before the Planning Board for Site Plan Review.

Chairman Coffey is in favor of having the Planning Board perform a site plan review partly due to the neighbors having concerns and the size and significance of the project, ability for neighbors/residents to comment during the site plan review process and impact on local interest.

Mr. Harder is in favor of the project going for site plan review.
Mr. Watson feels it should go for site plan review in an effort to minimize effects on neighbors as much as possible.

Ms. Lutz agrees the project should go to the Planning Board, feels factors 1,2 & 9 are not relevant, concerned land use function involved is not defined by the code, effect the local land use regulation would have upon the enterprise, and the impact on local interest.

Mr. DeCancio feels the project should go to the Planning Board as it would be a significant change to the area and for the neighbors.

Chairman Coffey requested a motion to find that 128-90(B) is applicable and after analysis of the nine factors the Board finds it should go before the Planning Board for site plan review. Motion by Ms. Lutz, Seconded by Mr. DeCancio with all in favor. Motion approved 5-0.

A Resolution is not required as this is an interpretation of the code that allows the project to go further and be reviewed by the Planning Board.

VI. New Business

VII. Minutes Approval

A. Wednesday, September 17, 2014

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

VIII. Adjournment

Motion To: Adjourn

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

The Meeting was adjourned at 8:30 PM

Next Regular Meeting is Wednesday, October 15, 2014