I. Call to Order

II. Public Hearings
   A. Public Hearing for an Application submitted by Saxton Sign Corporation on behalf of David Sussman, for an area variance located at 1345 New Scotland Road, Article VI. Section 128-59, Signs J. Signs in Shopping Centers and Malls
   B. Public hearing for an Application submitted by Lance Raffe for an area variance located at 308 Delaware Avenue under Article VI, Section 128-59, Signs, Article XIII Use & Area Setbacks.
   C. Public Hearing for an Application submitted by Theodore DeLucia on behalf of Bill Delanoy, 42 Long Lane, Selkirk for a use variance under Article III, Section 128-99 Schedule of Uses (A).

III. Applications - Review and Possible Public Hearing Scheduling
   A. Accept Application and set Public Hearing for an Application submitted by Daniel & Sarah Lewis - 40 Alden Court for an area variance under Article XIII, Section 128-100. Applicant would like to construct an addition that does not meet setback requirements.

IV. Resolutions
   A. Matt Sames - 9 Frontage Road, Glenmont
   B. Bolduc/Bohl - 225 Delaware Avenue, Delmar
   C. Bohl - 225 Delaware Avenue, Delmar

V. Discussion/Possible Action
   1. Lance Raffe - 308 Delaware Avenue
   2. Delanoy - 42 Long Lane, Selkirk

VI. New Business

VII. Minutes Approval
    A. Wednesday, July 01, 2015
VIII. Adjournment

Adjourn

Next Regular Meeting Wednesday, August 5, 2015
July 9, 2015

Daniel and Sarah Lewis
40 Alden Court
Delmar, N.Y. 12054

Re: Permit # 15-378
40 Alden Court
Delmar, N.Y. 12054

Daniel and Sarah,

On June 24, 2015 a building permit was issued to you for an addition to the existing single family dwelling at the above referenced location. Upon further review it has been determined that the proposed addition does not meet the minimum setback requirements of the Zoning Law therefore the addition portion of this building permit has been stopped.

Under Article XIII, Use and Area Schedules, 128-100. Schedule of Area, Yard and Bulk Requirements A. Minimum side yards, sub note 1, for a corner lot you are to provide a side yard setback that is equal to the required front yard setback for the district. At this time you do not meet the minimum setback required therefore you may either modify your plan to meet the minimum requirement, withdraw your permit or you may apply to the Zoning Board of Appeals and try to obtain a variance from the aforementioned Article and Section of the Law. If you choose to apply to the Zoning Board of Appeals I would at this time direct you to the Administrative Assistant to the Board, Kathleen Reid who will assist you in making your application to the Board.

At this time you have 60 days from the date of this letter to apply to the Zoning Board, modify the proposal or withdraw your application. Failure to do so within the 60 days will result in the permit being revoked with no further chance for appeal.

Sincerely,

Mark J. Platel
Assistant Building Inspector
Town of Bethlehem

Cc: ZBA Chairman Daniel Coffey

Visit the Town of Bethlehem Website at http://www.townofbethlehem.org
TOWN OF BETHLEHEM  
ZONING BOARD OF APPEALS  
Area or Use Variance  
VARIANCE APPLICATION  

Address of Variance: 40 Alden Court, Delmar, NY

Presently Zoned: CR  
Tax map #: 06.13-4-23

Name, Address and Telephone # of Applicant:  
Daniel and Sarah Lewis, 40 Alden Court, Delmar, NY 12054  
518-475-1641 (Home), 51-321-4799 (Mobile)

If other than owner, state interest in property and attach proof: N/A

Name, Address and Telephone # of Representative: N/A

For a variance under Article(s)  
Article XIII  
12.8-100

Requested for the purpose of Adding a mud room on the South side of property.

Was an application made for a Building Permit? Yes  
No  
When

Estimated time required to complete the project 6 months

Revised 8/23/2011
Part A

For an Area Variance:

Before an area variance can be granted, State Law requires that the ZBA take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

To grant an area variance, the ZBA must balance the benefits to the applicant and the health, safety, and welfare of the neighborhood and community, taking into consideration the following factors. The ZBA must consider each of these factors, but no one factor is determinative and the weight to be given to each of them will vary with the facts of each particular case.

1. Whether the granting of the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

   The addition will be consistent with the design and aesthetics of the existing property and will have the same roofing and siding style and color as the garage and main house.

   The addition will be no closer to the street than the existing garage.

2. Whether the benefit sought by the applicant can be achieved by other feasible means. Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

   The mud room addition is adjacent to the driveway and side entry of the house.

   Addition on or near the front of the house is not possible based on existing interior design. Addition on the back of the house is not possible due to the fact that the property slopes steeply towards the back garden.
3. Whether the variance is substantial. The requested variance is not substantial for the following reasons:

The variance is not substantial as we are requesting permission to build 2 feet over the
stated setback.

4. Whether the variance will have adverse physical or environmental effects on the neighborhood or district. The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

The roof of the addition is designed for improved water control and will reduce erosion
on the property. There are no adverse physical effects anticipated as the addition
is attached to the existing structure.

5. Whether the alleged difficulty was self-created (although this does not necessarily preclude the granting of
an area variance). Explain whether the alleged difficulty was or was not self-created.

Difficulty was not self-created because the design was completed with the understanding
that the garage setback defined the permissible building line.

Difficulty was self-created because we would like the addition so that we can remain
in the town of Bethlehem and raise our family.
Dear Board Members

We have lived on Alden Court in Delmar for 7 years. We were attracted to the character of the neighborhood and easy access to four corners and other shopping. Because the character of the neighborhood is so important to us we are sensitive to changes made to homes in the area and other changes made by our neighbors.

The expansion planned by the Lewis's at 40 Alden Court fits well with similar expansions completed by others and the overall character of the neighborhood. My wife and I agree that expanding slightly beyond the normal set back will have no impact on the neighborhood. To the contrary the renovation will improve the look of the neighborhood and value of surrounding homes.

Sincerely,

Brad Shear
July 7, 2015

To the Members of the Zoning Board of Appeals,

We are writing this letter to voice our support for our neighbors Dan and Sarah Lewis' planned addition. As we understand, a 13’8” section of the addition falls 2 feet into the “front yard setback” on the Murlin Drive side and a variance is required for this section.

We do not believe that this additional 2 feet will negatively impact the character of the neighborhood or affect the line of sight on this corner due to the fact it will not extend past the existing garage line of the home. However if the addition was to be reduced by this 2 feet, the Lewis family would be losing a significant portion of what would be a well used new entry area to their home.

Thank you for your time,

Mary Ellen & Gregg Sagendorph
62 Harrison Avenue
Delmar, NY 12054
Daniel Machabee  
27 Murrlin Drive  
Delmar, NY 12054  
July 7, 2015  

Zoning Board of Appeals  
Town of Bethlehem  
445 Delaware Ave  
Delmar, NY 12054  

Dear Zoning Board of Appeals:  

Please accept this letter in support of the application of Mr. Daniel and Mrs. Sarah Lewis for a building variance at their property 40 Alden Court. We have no objection to the plans for the addition as shown to us by Mr. Daniel Lewis.  

Sincerely,  

[Signature]  

Daniel Machabee
July 8, 2015

To Whom It May Concern:

We are homeowners and residents at 39 Alden Court, Delmar NY, immediately across the street from Dan and Sarah Lewis at 40 Alden Court. We have been aware of the Lewis’ planned house expansion for some time, and we fully support this project.

Recently we reviewed the detailed plans for the home expansion prepared by MP Consulting Group LLC and provided to us by Dr. Lewis. We understand that the planned addition adjoining the garage is two feet over the building line, and requires a variance to proceed. We have no objection whatsoever to this addition. We hope that the construction will be permitted to proceed as planned.

Please do not hesitate to contact us for further comment if necessary.

Sincerely,

Brian Rose and Julia Cadieux
39 Alden Court
Delmar NY 12054
518-439-1691
brianandjulia99@gmail.com
Mr. and Mrs. Lewis’ Residence Renovation
40 Alden Court, Delmar, NY

July 8, 2015
Item 3: Specific Location of Needed Variance – Immediate Area
Item 3: Specific Location of Needed Variance – Elevations/Existing Structure
Item 4: Plot Plan – Exact Location of Variance: Existing Structures
Item 4: Plot Plan – Exact Location of Variance: Dimensions

Requested variance of 2 feet over setback
Item 5a: Drawings: All Sides

Existing

Proposed
Item 5b: Drawings: Details

- Addition will function as a mud-room and pantry for adjacent kitchen/dining room.
- Yellow, vinyl siding to match existing.
- Consistent, all-new shingles for all structures to be grey.
- Floor plan – see image at left.
- Current raised flower bed to be moved alongside new structure and new landscaping to include path to front of house. New grass lawn planned.
Item 5b: Drawings: Alternate Locations

Alternate location considered: behind the house interferes with existing patio, is sloping too steeply (figure at left) and is not adjacent to kitchen.
Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

### Part 1 - Project and Sponsor Information

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Mr. and Mrs. Lewis' Residence Renovation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a location map):</td>
<td>40 Alden Court, Delmar, NY 12054</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
<td>Addition of mudroom and pantry to existing single family residence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Daniel Lewis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>518-475-1641 (H) 518-327-4709 (M)</td>
</tr>
<tr>
<td>E-Mail:</td>
<td><a href="mailto:lucentdan@gmail.com">lucentdan@gmail.com</a></td>
</tr>
<tr>
<td>Address:</td>
<td>40 Alden Court</td>
</tr>
<tr>
<td>City/PO:</td>
<td>Delmar</td>
</tr>
<tr>
<td>State:</td>
<td>NY</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>12054</td>
</tr>
</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  
   If Yes, list agency(s) name and permit or approval:

3. Total acreage of the site of the proposed action?  
   a. Total acreage of the site?  
   b. Total acreage to be physically disturbed?  
   c. Total acreage (project site and any contiguous properties owned or controlled by the applicant or project sponsor)?

<table>
<thead>
<tr>
<th>a. Total acreage of the site of the proposed action?</th>
<th>0.004 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Total acreage to be physically disturbed?</td>
<td>0.004 acres</td>
</tr>
<tr>
<td>c. Total acreage (project site and any contiguous properties owned or controlled by the applicant or project sponsor)?</td>
<td>0.004 acres</td>
</tr>
</tbody>
</table>

4. Check all land uses that occur on, adjoining and near the proposed action.
   Urban, Residential (suburban), Industrial, Commercial, Forest, Agriculture, Aquatic, Other (specify): Residential (suburban)

Page 1 of 3
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
      [ ] NO  [ ] YES  [ ] N/A
   b. Consistent with the adopted comprehensive plan?  
      [ ] NO  [ ] YES  [ ] N/A

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   [ ] NO  [ ] YES

7. Is the site of the proposed action located in, or does it adjoin, a State listed Critical Environmental Area?  
   If Yes, identify:__________________________________________________________
   [ ] NO  [ ] YES

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   [ ] NO  [ ] YES
   b. Are public transportation service(s) available at or near the site of the proposed action?  
   [ ] NO  [ ] YES
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  
   [ ] NO  [ ] YES

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   ________________________________________________________________
   [ ] NO  [ ] YES

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    ________________________________________________________________
    [ ] NO  [ ] YES

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    ________________________________________________________________
    [ ] NO  [ ] YES

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
    [ ] NO  [ ] YES
    b. Is the proposed action located in an archaeological sensitive area?  
    [ ] NO  [ ] YES

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    [ ] NO  [ ] YES
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  
    ________________________________________________________________

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
   [ ] Shoreline  [ ] Forest  [ ] Agricultural/grasslands  [ ] Early mid-successional  
   [ ] Wetland  [ ] Urban  [ ] Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  
    [ ] NO  [ ] YES

16. Is the project site located in the 100 year flood plain?  
    [ ] NO  [ ] YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
    If Yes,  
    a. Will storm water discharges flow to adjacent properties?  
       [ ] NO  [ ] YES
    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
       [ ] NO  [ ] YES
       If Yes, briefly describe:  
       ________________________________________________________________
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
If Yes, explain purpose and size: 

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td></td>
</tr>
</tbody>
</table>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe: 

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td></td>
</tr>
</tbody>
</table>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe: 

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☑</td>
</tr>
</tbody>
</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/Sponsor name: Daniel Lewis  
Date: July 8, 2015
Signature: [Signature]
Matt Sames - 9 Frontage Road, Glenmont
Bohl - 225 Delaware Avenue, Delmar
### ALBANY COUNTY PLANNING BOARD
### NOTIFICATION
### RECOMMENDATION DATE: June 18, 2015

<table>
<thead>
<tr>
<th>Case #:</th>
<th>4-150602279</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>308 Delaware Ave. LLC/Getty lot redevelopment-variance</td>
</tr>
<tr>
<td>Project Location:</td>
<td>308 Delaware Avenue/SR 443, southeast corner of Delaware and Oakwood Ave, Delmar</td>
</tr>
<tr>
<td>Tax Map Number:</td>
<td>85.12-4-37</td>
</tr>
<tr>
<td>Referring Agency:</td>
<td>Zoning Board (Kathleen Reid)</td>
</tr>
<tr>
<td>Considerations:</td>
<td>Area variance from sign setback requirements to allow a commercial sign (4’x5’) to be setback 3’ from the property line, where ten feet is required. The sign is located behind the sidewalk, approximately 15’ from the curb.</td>
</tr>
<tr>
<td>ACPB Recommendation</td>
<td>Defer to local consideration</td>
</tr>
</tbody>
</table>

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

---

**NOTE:**
- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of “APPROVE” or “MODIFY LOCAL APPROVAL” should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board’s recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System (MS4) Permit Notice of Intent (NOI) to comply with the NYSDEC permit for the control of stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-15-002 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

---

Leslie Lombardo, Senior Planner for the Albany County Planning Board

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 447-5644/FAX: (518) 765-3459
Option 6

Attachment: Free Standing Sign - Wildbird Junction (3051 : Lance Raffe - 308 Delaware Avenue)
July 6, 2015

Daniel W. Coffey, President
Town of Bethlehem
Zoning Board of Appeals
445 Delaware Avenue
Delmar, New York 12054

Subj: 308 Delaware Avenue – Sign Setback Variance

Dear Mr. Coffey:

Having heard Ed Kleinke’s concerns at the June 3rd Zoning Board of Appeals meeting, I reevaluated Wildbird Junction’s sign requirements and, in an effort to be a good neighbor and offer a compromise, I have complied with the Hamlet sign requirement of Twenty (20) Square Feet per side. I have attached a design rendering of the smaller sign with the dimensions included. The new sign is only six feet six inches high and it will be lighted from the ground. (Gooseneck lighting would increase the height profile and would add an additional visual obstruction.)

As you requested, I will mark the existing pavement with the location of the sign. While it is difficult to provide an accurate visual frame of reference without the new building in the line-of-sight, I will place a board at the location of the sign with two balloons attached to mark the width and post height of the proposed sign. I will notify Kathleen Reid when the balloons are in place and I will leave them there until the July 15th ZBA Meeting.

My variance request remains for a three (3) foot setback, but the sign could be placed at a four (4) foot setback without interfering with parking. To demonstrate that this request is not unreasonable, and is comparable to the current sign setbacks of most of the signs along Delaware Avenue between Four Corners and the Rail Trail Overpass, I have included pictures of those signs along with distance measurements from the sidewalk. Please note that I placed a three (3) foot Yard Stick adjacent to each sign to provide a visual reference.

If you have questions or would like any additional information prior to the July 15th Zoning Board of Appeals Meeting, please do not hesitate to call me.

Thank you.

Respectfully,

308 DELAWARE AVE, LLC

Lance W. Raffe
Managing Partner
<table>
<thead>
<tr>
<th>Description</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Square (East)</td>
<td>3.5'</td>
</tr>
<tr>
<td>Main Square (West) – Edward Jones</td>
<td>2.0'</td>
</tr>
<tr>
<td>Floral Garden</td>
<td>7.0'</td>
</tr>
<tr>
<td>St. Thomas Church</td>
<td>3.0'</td>
</tr>
<tr>
<td>Key Bank</td>
<td>4.5'</td>
</tr>
<tr>
<td>Post Office</td>
<td>3.5'</td>
</tr>
<tr>
<td>Vacant Building (and Sign)</td>
<td>4.5'</td>
</tr>
<tr>
<td>Café 333</td>
<td>2.0'</td>
</tr>
<tr>
<td>333 Building</td>
<td>1.0'</td>
</tr>
<tr>
<td>Delmar Fitness</td>
<td>1.5'</td>
</tr>
<tr>
<td>Gochee’s Garage</td>
<td>2.0'</td>
</tr>
<tr>
<td>Veteran’s Memorial Park</td>
<td>5.5'</td>
</tr>
</tbody>
</table>
14 July 2015

Daniel Coffey, Chairman
Bethlehem Zoning Board of Appeals
445 Delaware Avenue
Delmar, NY 12054

RE: Sign Variance – 308 Delaware Avenue

Dear Mr. Coffey:

I am in receipt of an updated sign variance proposal for 308 Delaware Avenue, labeled Option 6 and correspondence to you from Lance Raffe dated July 6, 2015 – both of which were included in your 7/15 meeting packet (p 26 & 27).

A primary concern with the submitted variance request is its proposed location relative to 306 Delaware Avenue and its height relative to existing signage. A sign placement in conformance with the underlying Commercial Hamlet District would place the front of the sign in line with the front building façade of 306 Delaware and have less impact on the existing building facade, driveway location and existing signage of 306 Delaware than the proposed location.

As an alternative, I would advocate that a freestanding sign location closer to the proposed building or between the proposed building facade and the front property line would be more appropriate.

Having said that, I think this request is somewhat complicated by the explained need for the variance itself – an expressed concern over the visibility of 4 rows of changeable “events” lettering to Delaware Avenue vehicular traffic.

While it is understood that the content of the sign is not the subject of the variance, the purpose for the sign setback variance is to allow for visibility of the content. To that end, I would note that the proposed content (4 rows of changeable “events” lettering) is not a recommended copy component of signs as stated in the Final Report of the Hamlet Design Study¹, which is referenced in the Hamlet Overlay District regulations Local Law.
For reference, the following recommendation (Part V, Section F, Item 3) is excerpted from the Study’s Final Report:

V. Signage  
F. Quality and Legibility – Standards

3. Sign copy shall only include the logo, name, address and function and web address of the establishment, and shall only refer to the establishment located within the building where the sign is located.

This recommendation in limiting sign copy (the items displayed) is consistent with a study entitled Street Graphics and its updated companion Street Graphics and the Law. The study provides a basis for signage in a community that is designed with highway speed, reaction time, sign location, setback distance and visual perception as key factors for the sign’s design.

The goal of both the Hamlet Design study and the Street Graphics study is to achieve good sign communication while ensuring maximum traffic safety of the traveling public.

I should note that accompanying Mr. Raffe’s July 6, 2015 correspondence is a listing of 12 signs in the Delaware Avenue area with listed setback distances. It is important to keep in perspective that all of the listed signs were designed and constructed under previous zoning districts with different area & bulk regulations, as well as signage requirements.

The new Hamlet Overlay District regulations allow the underlying district sign requirements to stand, with ample allowance for on-building signage. If freestanding signs, as depicted on the submitted list, were determined to be important to the overall design of new projects in the Hamlet Overlay district, Town of Bethlehem staff would have included such requirements.

Having said all of the above, it is my opinion that the requested area variance for the reduction of a free standing sign setback from 10’ to 3’ should be denied, in consideration of the following:

1. the proposed sign location, due to its near proximity to the front property line, will make multi line “event” content highly visible and create unsafe conditions for vehicular traffic on Delaware Avenue
2. the variance request for the sign at its proposed location is substantial and will interfere with present and future signage at 306 Delaware;
3. the proposed sign will result in an undesirable change in the character of the newly established Hamlet Overlay District neighborhood;
4. the need for advertising “events” can be accomplished by other means;
5. the proposed variance request represents a self created condition in that appropriate signage, as recommended by the Hamlet Study, is accomplished by other means.
I appreciate the opportunity to provide these comments to the Zoning Board. Please let me know if there are questions or additional information is needed.

Respectfully,

Edward F. Kleinke III

EFK:rf
cc. Christopher Dempf, Esq.

---


**ALBANY COUNTY PLANNING BOARD**

**NOTIFICATION**

**RECOMMENDATION DATE:** June 18, 2015

<table>
<thead>
<tr>
<th>Case #</th>
<th>4-150602283</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant:</strong></td>
<td>Bill Delanoy</td>
</tr>
<tr>
<td><strong>Project Location:</strong></td>
<td>42 Long Lane, south side of Long Ln, west of intersection with CR 55, Selkirk</td>
</tr>
<tr>
<td><strong>Tax Map Number:</strong></td>
<td>85.12-4-37</td>
</tr>
<tr>
<td><strong>Referring Agency:</strong></td>
<td>Zoning Board (Kathleen Reid)</td>
</tr>
<tr>
<td><strong>Considerations:</strong></td>
<td>Use variance to allow more than one use on a property in the Heavy Industrial zone. Applicant has a single family home on the property and wishes to add a garage 60' x 44' for storage and minor vehicle repairs. Access is to a town road.</td>
</tr>
</tbody>
</table>

**ACPB Recommendation**

Defer to local consideration

1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

---

Leslie Lombardo, Senior Planner for the Albany County Planning Board

**NOTE:**

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- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board’s recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System (MS4) Permit Notice of Intent (NOI) to comply with the NYSDEC permit for the control of stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-15-002 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186

TELEPHONE: (518) 447-5644/FAX: (518) 765-3459
Town of Bethlehem Zoning Board  
445 Delaware ave  
Delmar, NY 12054  

Dear Mr. Chairman of the Board and Members:

I would like to thank you for allowing me the opportunity to voice my concerns and be a part of a process that will affect my family and I, if this variance is approved. If I may, I wanted to expand and clarify on some of the points I made when we spoke at the variance board meeting on June 17.

I would first like to correct a statement I made at the zoning board meeting. Mr. Delanoy did sell the building he owned in Albany, in January of this year. I have enclosed the paperwork to support this. The property was sold for $210,000. I had to look a little harder at city hall to find this.

Many years ago, my mother and I talked about me building my home on the other side of her property next to what is currently owned by Mr. Delanoy (42 Long Lane, Selkirk, NY 12158). At that time it was owned by Egon and Ruth. I was very excited about being able to build next to my family. I was also very concerned about building next to a heavy industrial zoned property. I did a lot of research and found out that there can only be one primary use building allowed in this zoned area. At that time, there was already a home built there. If you wanted to build any other primary use building, you would have to remove the first building itself. I was very pleased when I found this out, knowing the likelihood of this ever happening was very low. This rule made it so I felt it was safe to build a home on this property.

In 2006, I planned and built my home. Later that year, I moved in. Since moving in, I have planted numerous trees and built a pond to help sustain the wildlife in the area. We spent countless amounts of man hours and thousands of dollars working on this land to try and bring back some wildlife to this area. It has since paid off we now have animals that were never here before living on the properties. These animals include: Canada Geese, Blue Heron, turtles and several species of fish.

Mr. Delanoy purchased 42 Long Lane in 2008 and moved in. I’ve been respectful to everyone around me, but there are some things that have to be pointed out to show Mr. Delanoy only has his interests in mind and is not concerned with the surrounding neighbors, town rules, or regulations. Mr. Delanoy has made many improvements to his property and has done a great job at that, shown to you by one of the photos I provided at the meeting of the garage with the propane tank
in the back. I would like to point out that I can see it very clearly from my home. It was originally an unheated wood shop, very simple in nature, and was on the tax map as such. Mr. Delanoy has changed the purpose of this wood shop to a full scale repair shop for his motorcycles and cars. There was a overhead garage door installed and windows were added. The space was wired, has lighting, is insulated, sheet rocked, a new heating system installed, and Mr. Delanoy never once applied for a building permit to do any of this work. If you look at his survey, it says garage now. He also added a carport. Mr. Delanoy redid the roof of his house and one garage has been redone. I witnessed all the shingles and tar paper refuse being dumped and buried down by the stream that runs between all of our properties into the pond. It was very clear his intentions were not to properly dispose of this at the town dump or landfill.

Mr. Delanoy and I use to be friendly and talked regularly. I told him that I was interested in planting trees on the edge of my property adjacent to the land behind his home. Mr. Delanoy at several times said to me that I could plant trees on the property. Approximately two years ago, I asked Mr. Delanoy if I could take him up on his offer and plant some trees down this property line. He said to me and I quote, "Robert go ahead and plant whatever you want." So I purchased around forty tree saplings and planted them where he said I could. One afternoon a several days later when I was watering them he came over and approached me at the property line. He seemed agitated and said he was uncomfortable with what I had planted. He also said that he felt like I was trying to take over some of his land and said to remove them all, so I did and all the trees died. The reason I asked to plant trees down the property line on his side was to double the tree line for maximum privacy and to provide a heavy buffer between us. I could see what was coming in the near future with all the work he was doing there. We have not spoken since.

I have planted trees down the property line on my side as you can see from the photos from my deck. I would plant more but my septic system will not allow me to, I don’t have enough room. If I knew that a business could have been located on his property I would have never built my home here. How much devaluation will my home receive from a business being built and operated next to me? In my opinion, the zoning laws are clear, should be enforced, and a variance should not be granted.

Mr. Delanoy and his representative made it very clear that this is a convenience wish and not a need situation. There is also no hardship here, in my opinion, as he is the one who willingly sold his shop in Albany. If he wanted to continue doing this work he should not have sold it. He is not retiring, he said so himself, he would like to work a little less. We all would like to work from home; it says in the application that any hardship can not be self induced. I think it’s very clear that Mr. Delanoy has made choices that has placed him in this situation. He
wanted to cash out of his property in Albany, pay off his home, and build a new body shop in his yard so its nice and convenient for him. When Mr. Delanoy and his representative filed the first variance application it was clear he wanted it for storage and minor maintenance of his classic cars. That is clearly not the case, his second application says he would like to run a fully operational NYS licensed repair facility.

The deck off my house is only 87 feet from Mr. Delanoy's property line, the driveway he has purposed will allow cars to drive around the back of his buildings and shine their headlights into the kitchen and living room of my home. I am sure at some point he will build a storage or parking area behind these buildings in my line of sight of my backyard. We have predominate north west wind current here, my family and I have to deal with the smell of toxic paint fumes and carbon monoxide from cars running all the time. A repair or body shop would include a lot of noisy equipment including Sanders, air compressors, and so forth. Everyone knows from getting your car repaired when someone wants to pull into a garage and the door is shut the easiest way to let them know is blow the horn. What will stop Mr. Delanoy from working all hours day and night, since this repair facility will be located at his home?

I also have safety concerns about emergency response to this proposed facility. How effective and protected will our local volunteer fire department be when they respond to a fire. There is no water source at that end of Long Lane, this means that firefighters will be battling an industrial fire with only water on the truck. If this building, which would contain all kinds of toxic paint products and highly flammable solvents needed to run such a facility, ever caught fire what would stop it from spreading to his home?

Mr. Delanoy has stated he has worked very hard to set this all up so his shop and his home is the way he wants it. I have been here long before Mr. Delanoy and worked for 15 years to make my home as nice as it is today. I have invested much of my time and money developing my property and the surrounding environment. My effort and privacy should not be taken away because my neighbor did not research all the laws. If this variance is approved it will open doors that can never be closed, and I will be the taxpayer with the hardship.

In Regards,

Robert Blaisdell

State of New York
County of Albany

The foregoing instrument was acknowledged before me this 23rd day of June, 2015 by Robert Blaisdell who has produced a valid New York State Driver's License as identification.

Alicia M. Penny
Notary Public

Packet Pg. 36
CONDITIONAL RELEASE FROM EXCLUSIVE LISTING AGREEMENT

THIS IS A LEGALLY-BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, WE RECOMMEND CONSULTING AN ATTORNEY BEFORE SIGNING.

Supplemental agreement to Exclusive Listing Agreement dated August 31, 2011 of property at 00 Creble Rd, Selkirk, NY 12158

Dated: June 19, 2015

TO ALL MEMBERS OF THE COMMERCIAL INDUSTRIAL REAL ESTATE BROKERS LISTING SERVICE

1. OWNER’S REPRESENTATIONS

The undersigned owner represents:

That there are now no negotiations pending or contemplated with anyone for the sale, exchange, or rental of the property described in the above-captioned listing contract.

2. CONDITIONS OF RELEASE

The undersigned owner hereby requests that the property be withdrawn conditionally from the above-captioned exclusive listing agreement and agrees to the following conditions of the release:

If, after the effective date of this conditional withdrawal and during the 0 months thereafter, without the service of a licensed agent, a purchaser buys the property who was (i) shown the property by a licensed agent or Participant in CIREB, and/or (ii) made aware of the property by a Participant in CIREB or the OWNER during the term of the listing as amended by this agreement, the OWNER agrees to pay the BROKER a commission in an amount agreed upon in paragraph 11 of the original exclusive listing agreement.

3. WHEN EFFECTIVE

This conditional withdrawal shall become effective upon proper execution of this agreement.

Owner hereby acknowledges receipt of a copy of above conditional release form.

Owner William Delanoy

Approved and consented to:
this 19th day of June, 2015

by
Listing Broker
Philip M. Donato, The Howard Group

Creble Rd
Date: 6/17/15

Letter of Transmittal

To: Whom it may concern
From: Philip M. Donato
Associate Broker
The Howard Group/TCN Worldwide

Mr Delanoy's heavy industrial property on Creble Rd and Long Lane has been unconditionally withdrawn from the market as of today. The sign will be removed and all marketing efforts will cease in accordance with Mr Delanoy's wishes.

The property has been on the market since 2011 and has generated little interest.

Bill and Ida Delanoy are among my closest friends, and some time back Bill said he wasn't much interested in trying to sell it any longer, but that I could continue to keep it on the market as a favor to me. If I got a call on the property I could find out the caller's needs and recommend other properties.

If there are any questions or further clarification is needed please contact me at (518) 452-1881 x21.
Property Type CI - CIREB Commercial Full Agent Report

MLS #: 201301437
Status: Active
Address: 42 ROUTE 9W
City/Town: Gienmont
Zip: 12077
Village: Route 9W near Corningshiel
Locate: Tenant Pays: NNN
Tax ID Section: 87.03
Lot: 4
Agent Hit Count: 109

Use: Garage, Land, Office/Retail, Office, Retail, Office/Warehouse, Warehouse, Automotive Sales, Outside Storage
Lot Size: 308x320
Lot SqFt: 4,000,000
Elevators: 0
At Grade Door: 5/3 18x13, 2 13x13
Loading Dock: 1/1 Dock
Sprinklers: /
RR Siding: /
Parking: 20/Private
Restrictions: Handicap: Yes

Remarks: Build to suit or land lease possible. Former towing company site with 5 high-bay garages, multi-acre towing yard and warehouse. 1/2 mile south of Thruway exit 23 and JUST across the City of Albany line in Bethlehem. Great hotel or retail site on morning side of the road. High Visibility site.

Directions: Route 9W between Corningshiel Rd and Normanskill River, south side of bridge. In Roberts Towing Building.

Business Name: Owner Finance: 
Owner: Albany LLC
Owner Phone: Sign: Yes
Possession: Immediate

FINANCING
Owner Finance: /
Owner: Albany LLC
Owner Phone: Sign: Yes

ANNUAL TAXES
General: $5,285 / Actual
School: $12,000 / Estimated
Village: $ / Actual
Total: $17,285 / Estimated

UTILITIES
Heat: NG
A/C: N
Water: Municipal
Sewer: Yes
Septic: No
Volts: 220
Amps: 200
Phase: 

Comments: Cooperating agents please contact Listing Broker for possible changes in compensation

LO: Keller Williams Cap District
LO Code: 5733B
LA1: 13140 Peter McKee - 518-527-9931
LA1 Code: Email Address: peter@thericksteam.com
LA2: 
LA2 Email Address: 

List Date: 12/1/2013
Contract Date: 
Closed Date: 
Days On Market: 565
Owner Concession: 

Expire Date: 6/30/2015
Sale Terms:
Sale Office: 
Sell Agent 1: 
Sell Agent 2: 

Renewals Paid (Y/N) Yes Percentage 1.0

Comments: Cooperating agents please contact Listing Broker for possible changes in compensation

This information is deemed reliable, but not guaranteed.
**Property Type CI - CIREB Commercial Full Agent Report**

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**Category:** Commercial  
**Use:** Business, Garage, Industrial, Office Plus, Office/Retail, Office, House of Worship, Retail, Shopping Center, Office/Warehouse, Warehouse, Manufacturing, Mixed Use, Medical/Dental, Automotive Sales, Convenience Store, Subdividable, Investment

**Road Frontage:** 210  
**TOTAL SQFT AVAL SQFT CEILINGS**

| Building: | 10500 | 10,500 | 12 |
| Office:   | 5,500 | 5,500 | 12 |
| Warehouse | 5,000 | 5,000 | 10 |
| Retail:   | 5,500 | 5,500 | 12 |

**Age:** 40  
**Condition:** Very Good  
**Roof:** Various  
**Construction:** Masonry  
**Restrictions:** Handicap: Yes

**Remarks:** This property is the former Marshall's Garage, Auto Sales Dealership. This building is +/- 10,500 SF and the front 5,500 SF could be used for a number of different uses such as Retail Sales, Auto Sales, Motorcycle Sales, Tire/Filter Sales, Auto Parts, Auto Repairs and much more. Full 5,000 SF Auto Body Shop with 2 Paint Booths in the rear of the building. This property has multiple lifts installed and are usable.

**Directions:** US Route #9W to Ravena & Mountain Road Ext. The west side of Route #9W, Just north of Dunkin Donuts and south of the Ford Dealership. This is the newer Show Room building.

**Business Name:**  
**Year Established:**  
**Docs Available:**

**FINANCING**

| Owner Finance: | No / N/A |
| Owner:         | Crown Point, LTD., Inc. |
| Owner Phone:   | LBO |
| Sign:          | Yes |
| Key:           | Yes |
| Possession:    | Immediate @ Closing |

**ANNUAL TAXES**

| General: | $ / |
| School:   | $ / |
| Village:  | $ / |
| Total:    | $10,000 / |

**UTILITIES**

| Heat: Gas HVAC |
| A/C: HVAC |
| Water: Municipal |
| Sewer: Yes |
| Septic: No |
| Volts: 220 |
| Amps: 400 |
| Phase: 3 |

**L0:** Enfield Realty Corp  
**L0 Code:** 5784A  
**LA1:** 10895  
**LA1 Code:** Email Address:  
**LA2:** Email Address:

**List Date:** 8/26/2014  
**Expiration Date:** 8/31/2015  
**Sale Terms:**

**Sub-Agent:** 2.5  
**Broker's Agent:** 2.5  
**Buyer's Agent:** 2.5  
**Percentage:** 0.0  
**Comments:**

**Virtual Tours**

This information is deemed reliable, but not guaranteed.
Property Type CI - CIREB Commercial Full Agent Report

MLS#: 201201224
Status: Active
Address: 228 BROADWAY
City/Town: Menands
Swiss Code: 012603
Agent Hit Count: 201

Category: Commercial
Zoning: Commercial

Road Frontage:

TOTAL SQFT AVAIL SQFT CEILINGS
Building: 5144
Office: 5,144
Warehouse: 5,144
Retail: 5,144

Lot Size: 0 /
At Grade Door: /
Loading Dock: /
Sprinklers: /
RR Siding: /
Parking: 30/Private

Remarks: 39 acre ready for redevelopment in busy corridor on Broadway in Menands. Tear down or rehab existing carwash. Great exposure and highway accessible.

Directions: Route 787 to Broadway exit in Menands. North on Broadway and property on left

Business Name: 
Year Established: 
Docx Available: 

FINANCING
Owner Finance: /
Owner: Schanz
Owner Phone: Sign: Yes

ANNUAL TAXES
General: $ /
School: $ /
Village: $ /
Total: $5000 /Estimated

UTILITIES
Heat: Gas
A/C: Public
Water: Public
Sewer: Yes
Septic: No
Volts: 
Amps: 
Phase:

Comments

LO: Coldwell Banker Commercial 518-785-9000
LO Code: S1011
LA1: 13147
LA1 Code: Email Address
LA2:
LA2 Email Address:

List Date: 10/16/2012
Contract Date: 
Closed Date: 
Days On Market: 976
Owner Concession: 

This information is deemed reliable, but not guaranteed.
### Property Type CI - CIREB Commercial Full Agent Report

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**Category:** Commercial

**Zoning:** Industrial

**Use:** Garage, Industrial, Office Plus, Office/Retail, Office, Office, Retail, Shopping Center, Office/ Warehouse, Warehouse, Medical/Dental, Automotive Sales, Convenience Store, Sul

**Lot Size:** 0/NA

**Acres:** Stories:

**Elevators:** 0/NA

**At Grade Door:** 10/10 Door Various Size

**Loading Dock:** 0/NA

**Sprinklers:** N/NA

**RR Siding:** No/N/A

**Parking:** 40/Private

**Age:** 50

**Construction:** Masonry

**Condition:** Good

**Roof:** Shingles

**Remarks:** This property is the former Marshall's Garage Auto Dealership. This building is +/-12,880 SF and could be used for a number of business as Retail Sales, Auto Sales, Motorcycle Sales, Tire/Muffler Sales, Auto Parts, Auto Repairs, Warehousing and much more. This building has multiple lifts installed and is usable.

**Directions:** US Route 9W to Mountain Road Extension, West Side of 9W, just north of Dunkin Donuts & South of the Ford Dealer. This property is the former Marshall's Garage, Auto Dealership.

**Business Name:**

**Year Established:**

**FINANCING**

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<td>Sign</td>
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**Possession:** Immediate Closing

**LC:** 5784A

**LC Code:** 10895

**LA1 Code:** Email Address: gordon@enfieldrealty.net

**LA2 Email Address:**

**Revs:**

**List Date:** 8/26/2014

**Contract Date:**

**Closed Date:**

**Days On Market:** 318

**Owner Concession:**

**ANNUAL TAXES**

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**Heat:**

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**Sewer:**

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**Septic:**

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<td>Village</td>
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**SUB-AGENT:** 2.5

**BUYER'S AGENT:** 2.5

**Comments:**

**Broker's:**

**Renewals Paid (Y/N):** No

**Percentage:**

**Agents:**

1. Gordon

**Comments:**

7/10/2015

---

file:///C:/Users/Ida/AppData/Local/Temp/Low/S2Q0BW0F.htm
July 11, 2015

Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054

Chairperson of the Zoning Board of Appeals
Re: 42 Long Lane

I would like to present this information that was requested of me based on our last meeting before the Zoning Board of Appeals. I would first like to address the questions that were posed to me from the board based on our last meeting before I respond to the letter of opposition from my neighbor, Mr Robert Blaisdell.

The board requested some additional financial hardship information as it pertains to why I am pursuing to construct a building on my property instead of looking elsewhere. As well as why a portion of my property was for sale since 2011.

First the financial portion: I decided to sell my auto body shop repair business and building in Albany for several reasons not all of which were financial. You see after 28+ years of running my business I was reaching an age that I needed to consider retirement and what was best for my wife and family. I became overwhelmed with the thought of something happening to me and leaving my wife with the burden of selling the business or going bankrupt. My wife has no business experience and I didn’t have a business partner to turn to. My wife does not even drive and needs be home for my mom who lives with us. Therefore, if something happened to me the business would just close then my family would be stuck with a vacant non operating business in an area that was slightly depressed with a history of violence and vandalism. If the business was closed without good standing clients it would be impossible to sell for any real value to a new owner. So after giving this serious thought the time was right to sell my business based on these reasons.

So as you know my intention is to build my own storage maintenance repair building for a multi purpose use. To work on my own classic cars, storage of my equipment and to continue repairing cars as needed. I am a one-person operation with no employees. Therefore, the amount of work that will be done as a business will be very limited. If I wanted to continue a thriving business I would of hired a partner and remained in Albany but that is not my intention. I'm at retirement age and want to slow down enjoy my hobby of classic cars and when the opportunity arises make some money on the side.
Secondly the property sale: I had the rear portion of my property for sale since 2011 by the Howard Group for $65,000 and never received a serious offer. The reason I was looking to sell the portion was to gain some revenue so I could reduce my mortgage and help with my retirement. The property is not marketable so it is now off the market (letter attached) Also, I was unaware that I could not even sell a portion of my land because it would require a subdivision and the area of land will not support this.

Neighbor letter of opposition: I realize my neighbor Mr. Robert Blaisdell has spoken against this proposal at our first hearing and also has sent in a recent letter opposing this again. If the board is going to take his statements into consideration and use them to potently cast a negative light on my proposal then I feel it necessary to respond to some of his statements that are untrue.

When Mr. Blaisdell makes mention of building his home in a residential setting or that we will disrupt his lifestyle or his peace and quiet I am unclear and question his reasoning. For example, when he did his research prior to building his home it would seem that there was a high risk to build a beautiful home right next to a Heavy Industrial Zoning District without the thought that this is not a typical residential neighborhood. As he explained to us at the hearing he lived on his property since he was a child. So it would seem that he was aware that his property is on a road with a speed zone of 55 miles an hour that has a minimum of 100 tractor trailers use daily at all times of the day and night. The traffic report even indicates that over 1100 vehicles travel over the road. There is a odor and continuous noise of diesel fuel and railroad cars connecting from the CXS Rail Yard near by the property. Along with the noise and smells associated with the trucking terminals and an active heliport. A neighboring property, Sabic Plastics smells and has industrial noises of trucks and equipment seven days a week. This is just to mention a few of the businesses within the environment of our neighborhood. So, we feel the impact of our building will be minor compared to the existing conditions that we currently live with. Therefore, the claims that Mr. Blaisdell makes regarding the increased level of traffic that my building would create and the noise along with the smells are very exaggerated and minor compared to what currently exists. Keep in mind this is a Heavy Industrial Zone. I believe that's what this area is designed for and is not a typical peaceful residential family neighborhood. For these reasons a home is out of character in this area.

To respond to his statement that I have done improvements to my buildings this is true. The improvements were mostly repair or fix my buildings or make them more weather tight. If a permit was required to do so I was not aware but I certainly can make it right if it is necessary to do so. Also, I did put a addition on my home to add a bedroom for my mother which I got a building permit for and the building inspectors were there several times and never brought this to my attention. Everything that was done previously is in plain sight. To the claim that I buried roof shingles I did do so but I first contacted DEC and spoke to Ms. Vicky Smith 357-2045 which she advised that if it was a owner occupied one family home that I could use it for fill on my own property.
Kathleen Reid

From: Dennis Northrup <DeNorthrup@teneyckgroup.com>
Sent: Wednesday, July 15, 2015 2:19 PM
To: Kathleen Reid
Subject: William Delanoy - 42 Long Lane Selkirk NY
Attachments: SKMBT_36315071508590.pdf

Kathleen: First, thank you for taking a few minutes to discuss the logistics of the Zoning Board of Appeals process. As I mentioned on the phone, I may not be able to attend tonight's board meeting but I wanted to send along a few comments in response to some of the points that Mr. Blaisdell mentioned in his letter objecting to the variance that is being requested at 42 Long Lane. I would ask that you forward this email to Chairman Coffey and the other members of the Zoning Board of Appeals.

In the spirit of full disclosure, Bill Delanoy is my cousin. I haven't spoken in great length to him about this issue as I was just alerted Monday by a friend that this item was on tonight's agenda. That prompted me to take a look at the agenda packet which included a copy of Mr. Blaisdell's letter. Frankly I don't want to waste a lot of the board's time to address all of the issues raised in the letter as it appears to me that some of it is an attempt to air some dirty laundry arising out of a dispute between the two parties in an effort to throw a lot of "stuff" at the wall to see what sticks. I am hopeful that the board will recognize that much of what is mentioned isn't relevant to the matter before the board and I would even toss parts of my email into that same category. However, there are a few points in the letter that either are incorrect or perhaps misleading so I felt it appropriate to point a couple of these out.

First, there is mention of a stream that runs between the two properties and some dumping that took place next to the "stream". To someone who doesn't know this property you might envision a flowing stream with clear water, perhaps some rapids, fish etc. At least that's the image I would come up with if I didn't know the area. That is not the case. This "stream" is actually just a natural drainage ditch which doesn't have a continuous flow from a spring or other body of water. The drainage actually starts in the rear of the Sabic property, not very far from 42 Long Lane. I have attached a copy of Google Earth to show this. The only recognized watershed in the area is the Vloomankill, which I highlighted, but it does not flow near or on the property on Long Lane. The point being, to characterize this drainage area as a stream when it's really a drainage ditch choked with cattails and other invasive vegetation, is really incorrect/misleading.

Another comment mentions concerns about "toxic paint fumes from painting and carbon monoxide from cars running" being a hazard to the proximity of the two properties. While this may be a concern, it isn't backed by any logic of or proof. I won't get into the science of carbon monoxide and how fast it dissipates etc. but if you have ever sat in a traffic jam or watched toll collectors take tolls all day long, suffice to say a car idling 80-100 feet from a residence isn't something to be concerned about in my opinion. Does anyone own a remote car starter???? With regard to the noise issue that is mentioned, I would ask the board to check with the town building department to see how many complaints have been made in the town against TAC's (located in close proximity to several homes) Delmar Autobody (again in a residential area) and GR Auto Repair and Delmar Auto Radiator located on Adams St. All of these are businesses that have operated in the town for years. I am fairly confident you will find few, if any, complaints. There is also a mention in this same section of the letter stating the prevailing winds in the area are from the Northwest. This is incorrect. A simple google search will show that the prevailing winds for the Selkirk and Feura Bush area are from the South (20% of the time) the west (16% of the time) and the remaining winds make up the other 64%. I mention this not as proof that the winds are good, bad, or indifferent. I mention this as an example as to why you can't just rely on a person's opinion as fact when simple research of the issue indicates otherwise.

I'll try and wrap with one or two more comments. My cousin did sell his building in Albany. He did not sell the business. I don't think it's fair to make any assumptions about how successful the business was or perhaps wasn't. To say Mr. Delanoy should have kept working at his shop if he wanted to keep working is somewhat naïve. Should we
assume that because he had a business it was hugely profitable? Could it be possible that the business was losing money trying to maintain the operating costs of the building? I am not saying that is the case and I honestly don't know one way or the other. I am just trying to make a point that comments that are made without any shred of what the underlying facts are should not be given the slightest consideration.

Lastly, I would be remiss if I did not mention that nowhere in the letter was there any reference to the fact that in the last year my cousin built a small addition onto his home with an extra bedroom and sitting area where his 85 year old mother, my aunt, could move into and enjoy the remaining years of her life. This was all done with the Town's approval etc.. If I was in Mr. Blaisdell's shoes I would probably omit this as well as I wouldn't want to give credit my adversary while at the same time as I was attempting to disparage him. So what does this have to do with the matter at hand???? Nothing, which is the same weight that I hope the board will apply to any of the irrelevant points raised in both Mr. Blaisdell's letter and my email. I am not saying all of the points are irrelevant and I am confident the board can pick through the chaff.

Respectfully,

Dennis Northrup
27 Elm Street
Selkirk NY 12158
Packet Pg. 48

Attachment: Email - Northrup - Map submitted (3052 : Delano - 42 Long Lane, Selkirk)

Search nearby: hotels · restaurants

42 Long Ln
Selkirk, NY 12158

Exploit this area
Search nearby

Add a missing business

https://www.google.com/maps/place/42+Long+Ln,+Selkirk,+NY+12158/@42.568546,-73.861088,15.5z/data=!4m2!3m1!1s0x89ddde01864de5a:0xb7a7110beb...
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.

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<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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<tbody>
<tr>
<td>Daniel Coffey</td>
<td>Chairman</td>
<td>Absent</td>
<td></td>
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<tr>
<td>Holly Nelson Lutz</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>
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<td>Nicholas R. Cartagena</td>
<td>Board Member</td>
<td>Present</td>
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<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>
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<tr>
<td>Mark Platel</td>
<td>Assistant Building Inspector</td>
<td>Present</td>
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1. Applications - Review and Possible Public Hearing Scheduling

- ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY RUSS HAZEN OF RAY SIGN INC. ON BEHALF OF VINCENT CRISAFULLI, FOR AN AREA VARIANCE LOCATED AT 266 DELAWARE AVENUE, ARTICLE VI, SECTION 128-59, D.

The Board voted to accept the Application and set the Public Hearing for Wednesday, August 5, 2015 at 7:00 PM.

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew C. Watson, Board Member
SECONDER: George T. Harder, Board Member
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

- ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY RICH OLSON, OLSON SIGN COMPANY, INC FOR AN AREA VARIANCE UNDER ARTICLE VI, SECTION 128-59 SIGNS, D. LOCATED AT, HEWITT’S GARDEN CENTER, 605 FEURA BUSH ROAD, GLENMONT

The Board voted to accept the Application and set the Public Hearing for Wednesday August 5, 2015 at 7:10 PM as follows:
4. **Resolutions**

- **MICHAEL FAHEY - 12 HOFFMAN STREET, SELKIRK**

**RESOLUTION AV-1507**

**Michael Fahey**

12 Hoffman Street, Selkirk

*WHOSEAS*, 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 128-60 E (Swimming pools, spas and hot tubs, Location), requested by Michael Fahey (“Applicant”) for property at 12 Hoffman Street, Selkirk, 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 June 17, 2015; 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**

Applicant proposes to locate a swimming pool in the front yard of the property, which is at the corner of Hoffman Street and Route 9W. The Town Code prohibits a swimming pool in the front yard (see, definition of YARD, FRONT, p. 128:34). The
property is located in the Rural Light Industrial District and is occupied by a single family dwelling.

Applicant Michael Fahey testified in support of the proposed swimming pool.

Alternate locations for the swimming pool that would not require a variance are not feasible, due to the location of the Applicant’s septic tank and leach field, and the presence of trees with overhanging limbs. Applicant also prefers the front yard location as it will allow them to view pool users (including his young child) from inside the house.

There is only one residence close to the property, and the owner submitted to the Board a letter supporting the proposed swimming pool. Other nearby land uses are railroad tracks and the Bethlehem Industrial Park off Route 9W.

Applicant proposed to have professional landscaping installed around the pool to screen it from view of Route 9W.

The Board received no other testimony or evidence 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, the Board determines that the proposed variance (swimming pool, location, front yard) 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. The Applicant’s proposal is supported by the only neighbor residing in close proximity. The pool will be largely screened from view from 9W by the landscaping required as a condition of approval.

The benefit sought by the Applicant cannot practically be achieved by some method other than a variance, given the location and configuration of the lot, and the location of the property’s septic system.

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 in part been created by the Applicant, and in part by the location and configuration of the property, but this factor is outweighed by the above Findings and Determination.

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

The requested variance (swimming pool, location, front yard) 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 June 17, 2015 hearing except as the same may be modified by the Town Building Department;

2. The Applicant shall install landscaping on the Route 9W side of the the pool to screen it from view from 9W. The landscaping plan shall be submitted to the Town Building Department for approval with the application for a building permit; and

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

July 1, 2015

Daniel Coffey

Chairman

Zoning Board of Appeals

The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on July 2, 2015.

Kathleen Reid, Secretary

The Resolution was accepted and approved as follows:
RESULT: APPROVED [UNANIMOUS]  
MOVER: George T. Harder, Board Member  
SECONDER: Matthew C. Watson, Board Member  
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena  
ABSENT: Daniel Coffey

II. Public Hearings

A. Public Hearing Continuation for an Application submitted by Matt Sames for an area variance located at 9 Frontage Road, Glenmont. Under Article VIII, Section 128-76 Kennels, Article VI, Section 128-56 & Article XIII, Section 128-100.

This project was last before the Board for a Public Hearing on June 3, 2015. Since then Albany County Planning Board (ACPB) has determined the proposed action will have no significant county wide or intermunicipal impact and deferred for local consideration. Included was an advisory recognizing the difficult configuration of the property for a business location; they noted a condition be placed if approved for drainage issues, the Board may want to condition number of dogs allowed, due to the significant size of the variances. They noted that a portion of the existing parking lot is located outside of the property lines.

The Board received letters of support from the following People:
Robin Bourdeu of Green Mountain Gymnastics, Williston, Vermont
Don & Karen Evans, Douglas Road, Delmar
Jyotindra Patel, Subway Restaurant, Glenville
Tim McCann, Best Cleaners, Delmar
Robin Leyden

Mr. Sames gave a brief review of his submission to the Board and addressed issues mentioned at the June 3rd Public Hearing.

The following people spoke in favor of the project:
Doug Schultz - 9 Bernard Place, Selkirk
Anthony Sabatino - Broker for Milestone Restaurant
Polly Feigenbaum - Attorney for current business owner

The following people spoke in opposition of the project:
Andrew Sacher - Shawna's Dogs, Glenmont

The Public Hearing was closed as follows:
RESULT: CLOSED [UNANIMOUS]  
MOVER: Nicholas R. Cartagena, Board Member  
SECONDER: Matthew C. Watson, Board Member  
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena  
ABSENT: Daniel Coffey

B. Public Hearing Continuation for an Application submitted by Stephen Bolduc on behalf of Richard Bohl for a use variance located at 225 Delaware Avenue, Article XIII, Section 128-100, Schedule of Uses.
The variance was originally approved in September 2009 and has since expired. The project was back before the Board for a Public Hearing on June 17, 2015. Albany County Planning Board (ACPB) has determined that the proposed action will have no significant countywide or intermunicipal impact and deferred for local consideration. Mr. Bolduc represented on behalf of Mr. Bohl. He addressed concerns mentioned at the June 17, 2015 Public Hearing regarding screening of lights from adjacent neighbors.

No one was present to speak in favor of the variance.

No one was present to speak in opposition of the variance.

If approved this project will go to the Planning Board for Site Plan Review

The Board voted to close the Public Hearing as follows:

RESULT: CLOSED [UNANIMOUS]
MOVER: George T. Harder, Board Member
SECONDER: Nicholas R. Cartagena, Board Member
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

III. Discussion/Possible Action

- **MATT SAMES - 9 FRONTAGE ROAD - GLENMONT**

The Board voted to DENY the variance for 9 Frontage Road as follows:

Mr. Harder - Variances are substantial and would be a detriment to the adjacent properties - voted to deny the variances.

Mr. Cartagena - Variances are very significant, impact on neighboring businesses, specifically hospitality business, would be great - voted to deny the variances.

Mr. Watson - Agreed with the Board on all counts - voted to deny the variances

Ms. Lutz - Due to the amount and size of variances and lack of acreage as required by the code - voted to deny the variances.

The Board Voted to DENY the variance(s) 4-0 with all present in agreement as follows:

RESULT: DENIED [0 TO 4]
MOVER: Matthew C. Watson, Board Member
SECONDER: Nicholas R. Cartagena, Board Member
NAYS: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

- **BOLDUC/BOHL - 225 DELAWARE AVE F/K/A 227 DELAWARE AVE**

The Board voted to APPROVE the variance(s) as follows:

Mr. Watson - Voted to approve the variance in 2009 and conveyed that the project is still favorable to the community, appreciated the Applicants efforts to minimize any impact on the neighbors leaving the final project with minimal impact on the neighborhood - voted to approve the variance.

Mr. Harder - Not a detriment to the neighborhood, substantial effort to appease the neighbors, minimal impact on neighbors - voted to approve the variance.
Mr. Cartagena - Proposal has not changed significantly since 2009, NYSDOT supportive of the access from Leonard Place - voted to approve the variance.

Ms. Lutz - Variance was previously approved in 2009 and expired, landscaping and plantings will be considered during Planning Boards review - voted to approve the variance. Landscaping plan on drawing will be considered at Planning Board review - not a significant variance for the zoning on that section of Delaware Avenue - voted to approve the variance.

The Board agreed to conducted an uncoordinated STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR) and DETERMINATION OF SIGNIFICANCE.

The Board as Lead Agency conducting an uncoordinated review, has considered the full scope of the project and has reviewed the environmental assessment form and the application for the Applicant for a use variance, and all supporting documentation and declared a Negative Declaration with all present in favor.

The Board voted to APPROVE the Use Variance 4-0, with all present in favor as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Nicholas R. Cartagena, Board Member
SECONDER: George T. Harder, Board Member
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

IV. New Business

No New Business

V. Minutes Approval

A. Wednesday, June 17, 2015

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Nicholas R. Cartagena, Board Member
SECONDER: George T. Harder, Board Member
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

VI. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: George T. Harder, Board Member
SECONDER: Nicholas R. Cartagena, Board Member
AYES: Holly Nelson Lutz, Matthew C. Watson, George T. Harder, Nicholas R. Cartagena
ABSENT: Daniel Coffey

The Meeting was adjourned at 7:48 PM

Next Regular Meeting Wednesday, July 15, 2015