I. Call to Order

A Regular Meeting of the Zoning Board of Appeals of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 7:00 PM.

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

A. Public Hearing for an Application submitted by Eric Bettinger - 17 Ridge Road, Delmar, for an area variance under Article XIII, Section 128-100, A. Applicant would like to construct an addition to the existing single family dwelling that does not meet the required setback from the side yard property line.

The Applicant is proposing to demolish an existing family room and construct a new 14' x 28.75' addition in the same location which will be set back 5.42 feet from the side property line which is 2.58 feet shy of the 8 foot setback required.

The existing structure is located in a Core Residential Zoning District and is occupied as a single family dwelling.

A motion to indend the Public Hearing notice into the minutes was made by Mr. Devaprasad, Seconded by Mr. Watson with all in favor.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany
County, New York will hold a Public Hearing on Wednesday, May 18, 2016 at 7:00 PM., at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application by Eric Bettinger, 17 Ridge Road, Delmar for an area variance under Article XIII, Section 128-100, yard & bulk requirements. Applicant would like to construct an addition that does not meet side setback requirements.

Eric Bettinger was present to speak on his own behalf. The following issues were addressed:

- Reason for addition
- Alternative options
- History of parcel
- Feasibility of a lesser variance
- Current square footage of living area and proposed square footage of addition
- Total square footage of house
- Exterior color and siding

Mr. Bettinger submitted a petition of support in favor of the variance from residents residing at 10,15, 16, 18, 19 & 20 Ridge Road, Delmar.

The Board received a letter in support from James & Carolyn Perry, 3 Rose Court, Delmar

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

The project does not need to be reviewed by Albany County Planning Board

The Public Hearing was closed as follows:

RESULT: CLOSED [UNANIMOUS]
MOVER: Nicholas R. Cartagena, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

B. Public Hearing continuation for an application submitted by John Vella of Utica Sign Companies on behalf of BMW of South Albany f/k/a Capital Cities Imported Cars - 617 Route 9W, Glenmont, for an area variance under Article VI, Section 128-59, Signs

The Application was last before the Board for a Public Hearing on May 4, 2016 at that time the board voted to table the Public Hearing and requested the following from the Applicant:

1. BMW contract showing penalties if the standards are not met.
2. To inquire if signage on the facade or external illumination would meet BMW standards.
3. Cost of sign mounted on facade compared to roof.
4. Demonstration of the proposed signage with the LED illumination.

Luis Pabon, Manager of BMW of South Albany, was present to answer questions and
review material submitted per the Boards request at the May 4th meeting. There was a brief discussion on BMW standards and the financial hardship the dealership would face if they are not compliant.

There was no one present to speak in favor or against the variance.

Upon a motion from Mr. Devaprasad, Seconded by Mr. Watson the Board voted to close the Public Hearing.

RESULT: CLOSED [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Matthew C. Watson, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

III. Applications - Review and Possible Public Hearing Scheduling

- ACCEPT APPLICATION AND SCHEDULE A PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY SCOTT STAGNITTA - 130C KENWOOD AVENUE, DELMAR FOR AN AREA VARIANCE. APPLICANT WOULD LIKE TO CONSTRUCT A FENCE IN THE FRONT YARD THAT EXCEEDS THE TOWN’S HEIGHT REQUIREMENTS UNDER ARTICLE VI, SECTION 128-47.

The Board voted to accept the application and schedule a public hearing for June 15, 2016 at 7:00 PM as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew C. Watson, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

- ACCEPT APPLICATION AND SET A PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY HOPE CAMERON - 16 KENSINGTON COURT, DELMAR FOR AN AREA VARIANCE. THE APPLICANT WOULD LIKE TO CONSTRUCT A DECK THAT DOES NOT MEET THE TOWN’S REAR SETBACK REQUIREMENTS UNDER ARTICLE XIII, SECTION 128-100.

The Board voted to accept the application and schedule a public hearing for June 1, 2016 at 7:00 PM as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Nicholas R. Cartagena, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

IV. Resolutions

V. Discussion/Possible Action

Motion To: Bettinger - 17 Ridge Road, Delmar

RESULT: APPROVED [UNANIMOUS]
MOVER: Matthew C. Watson, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

The Board voted to APPROVE the variance as follows:
Chairman Coffey -
Variance is Minor
No other feasible options
Neighbors in favor
Not a significant change to the neighborhood

Ms. Lutz, Mr. Cartagena, Mr. Devaprasad and Mr. Watson agreed with the Chairman for all reasons stated. The variance was approved 5-0 as follows:

1. **Bettinger - 17 Ridge Road, Delmar**

The Board voted to APPROVE the variance as follows:

Chairman Coffey -
Variance is Minor
No other feasible options
Neighbors in favor
Not a significant change to the neighborhood

Ms. Lutz, Mr. Cartagena, Mr. Devaprasad and Mr. Watson agreed with the Chairman for all reasons stated. The variance was approved 5-0.

- **BMW OF SOUTH ALBANY - F/K/A CAPITAL CITIES**

The Board voted to APPROVE the variances 4-1 as follows:

Chairman Coffey voted to APPROVE the proposed signage as it will not be higher than the roof of the main building. He voted to DENY the internal illumination as historically other nearby applications have been denied for internal illumination.

Mr. Watson - APPROVE BOTH VARIANCES
- Location of dealership
- No adverse appearance to the neighborhood
- Would help fulfill requirements for success of the business
- Hardship business would face if not approved
- Not a negative impact to nearby business

Mr. Devaprasad - APPROVE BOTH VARIANCES
- For reasons stated by Mr. Watson
- Similar to signage at other BMW locations

Ms. Lutz - APPROVE BOTH VARIANCES
Mr. Catalano owner of 194 River Road, Glenmont submitted an application for an area variance on December 23, 2014 for a proposed gas station/convenient store. The application was last before the Zoning Board on March 18, 2015, at that time the Board requested the Applicant come back with supporting information regarding septic system concerns.

Since it has been 1 1/2 years since the application was submitted the Board voted to send a letter to the Applicant giving him the option to either come back before the Board for an update on the project or to submit an update in writing.

RESULT: APPROVED [UNANIMOUS]
MOVER: Nicholas R. Cartagena, Board Member
SECONDER: Dave Devaprasad, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

VI. New Business

VII. Minutes Approval

A. Wednesday, May 04, 2016

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Matthew C. Watson, Board Member
SECONDER: Nicholas R. Cartagena, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

VIII. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Coffey, Lutz, Watson, Devaprasad, Cartagena

Meeting was adjourned at 7:45 PM

Next Regular Meeting June 1, 2016