I. Call to Order

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

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

A. Public Hearing continuation for an application submitted by Leo Valenchis of No Name Sign Company on behalf of Delmar Full Gospel Legacy Church - 282 Elsmere Ave, Delmar. Applicant would like to erect signage that does not meet the requirements of the town code under Article VI, Section 128-59.

The Applicant is proposing to remove an existing freestanding sign and install a new sign that is 6.83 feet tall, 51 square feet per side and internally illuminated. In the Core Residential Zoning District a sign for non-residential uses may be illuminated by external means only, not exceed 6 feet in height and be no larger than 10 square feet. The existing use of the property is a house of worship and is located in a Core Residential Zoning District.

A motion to indent the meeting into the record was made by Mr. Watson, seconded by Ms. Lutz.

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, July 20, 2016 at 7:00
PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application by Leo Valenchis of No Name Sign Company on behalf of Delmar Full Gospel Legacy Church located at 282 Elsmere Ave, Delmar for signage that does not meet the requirements of the Town Code under Article VI, Section 128-59.

Leo Valenchis and John Doucette of No Name Sign Company were present to speak on behalf of Pastor David Gericke of Delmar Full Gospel Legacy Church and answer questions from the Board. A letter from Pastor Gericke was read to the Board.

The Applicant would like to change the existing sign to reflect the new name of the church and to enhance the visual aesthetic entrance to the church. The following issues were discussed:

1. Design of new logo & sign
2. Size & height of proposed sign
3. Location of new sign
4. Lighting proposed - wattage
5. Other feasible options

A discussion ensued regarding hours of operation and illumination of sign and the need/reason for the location and lighting change. The Board requested the Applicant produce a cost comparison of internally illuminated opposed to goose neck lighting and what expenses would be incurred to construct an externally illuminated sign that complies with Town Code. Per the Boards request the Applicant will submit pictures of similar signs with the same illumination.

Several residents spoke in concern of hours of illumination and size of new sign. Mr. Valenchis will consult with Pastor Gericke to see if a timer for illumination could be considered to quell the neighbors concerns.

There was no one present to speak in favor of the sign.

The following residents spoke in opposition to the variance:

Ruth Singer - Resident
Nancy Wickham - 297 Elsmere Avenue

The Application will be before the ACPB on July 21st.

The Public Hearing was kept open as follows:

RESULT: KEPT OPEN
III. Applications - Review and Possible Public Hearing Scheduling

IV. Resolutions

- SCOTT STAGNITTA-130C KENWOOD AVENUE, DELMAR

RESOLUTION

AV-1608
Scott Stagnitta
130C Kenwood Avenue
Delmar, New York 12054

* 

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 128-47 (B)(1) (Fences and freestanding walls, height, front yard), requested by Scott Stagnitta (“Applicant”), for property at 130C Kenwood Avenue, Delmar, New York; and,

WHEREAS, the Board, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on June 15, 2016 and July 6, 2016; 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 erect a 6’ high privacy fence in the front yard of the property, and the Town Code prohibits fences higher than 4’ in the front yard. The property is located in a Core Residential District and is occupied by a single family dwelling.

Applicant Scott Stagnitta testified in support of the application.

The property is a “flag” lot set back some distance from Kenwood Avenue, and its front yard borders the rear yard of the two immediately adjoining lots at 132 and 130B Kenwood Avenue. The proposed fence would be a “privacy” fence along the north and west sides of the lot and would replace an existing deteriorated fence of the same height.

Applicant’s house and property are not visible from Kenwood Avenue.

The property owners at 132 and 130B Kenwood Avenue could lawfully erect 6’ high fences in their rear yards on the same property line which is the subject of this application.

Both the adjoining neighbors at 132 and 130B Kenwood Avenue submitted letters in support of the application, as did a third neighbor of the Applicant. The Board received no other oral or written testimony regarding the application.

By Recommendation dated June 16, 2016 (Case No. 4-160602568) 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 (Fence, height, 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 proposed fence will replace a deteriorated existing fence of the same height and the Board finds this fence will enhance the appearance of the neighborhood. The property owners closest to the Applicant’s lot support the proposed fence.

Given the unique configuration of the Applicant’s lot (front yard bordering rear yard of adjoining lots) the benefit sought by the Applicant (privacy fence) cannot be achieved by some method other than a variance.

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

The requested variance is the minimum variance 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 not been created by the Applicant, but by the unusual and unique configuration of the lot relative to neighboring properties.

The proposed fence 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 (Fence, height, 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 15, 2016 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.

July 20, 2016

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 22, 2016.

Kathleen Reid, Secretary
Zoning Board of Appeals

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

- - -

• JOHN WALSTON-18 OAKWOOD ROAD, DELMAR

RESOLUTION

* * *

WHEREAS, an application has been filed with the Zoning Board of Appeals of
the Town of Bethlehem, Albany County, New York (“the Board”) seeking Variances under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Yard and Bulk Requirements (Core Residential District, minimum side yard, maximum lot coverage) requested by John and Megan Walston (“Applicants”) for property at 18 Oakwood Place, 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 July 6, 2016; 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

Applicants propose an addition to their single family dwelling in the Core Residential District involving: demolition of an existing garage, construction of a new larger garage, and connecting the garage to the dwelling at an enlarged and modified “mud room” with a covered patio attached to the rear of the garage. The proposed addition would have a side yard setback of 5 feet (Town Code requires 8 feet) and would make the lot coverage of the modified dwelling to be 22.82% (Town Code provides for maximum of 20%).
Applicant John Walston testified in support of the application.

Applicants are long-time residents of the Town at the property. They have previously improved the dwelling with the addition of a second story living area. The existing one-car garage at the property has deteriorated and must be replaced. Applicants propose to enlarge the garage to accommodate two cars and connect the garage to the rear of the dwelling along with an addition to the existing mud room and a covered outdoor patio at the rear of the new garage.

Applicants’ proposed design maximizes the aesthetic appeal and functionality of the new garage. A smaller addition would not accommodate two cars. The Applicants’ lot is narrow and the proposed garage will allow an adequate turning radius for vehicles in and out of the garage. Applicants’ plans for the addition will have a gable roof over the entire mud room-patio-garage structure.

The Board received one written statement in support of the application from a neighboring owner. Mr. Walston has discussed his plans with the neighbor whose property adjoins at the location of the requested side yard setback and received no objection.

The Board received no other written or oral testimony related to the application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted, testimony at the hearing, and other documents submitted by the Applicants, the Board determines that the proposed variances (Core Residential District, minimum side yard, maximum lot coverage) will be granted.
The Board has determined that the requested variances 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. The proposed addition will be another enhancement to the appearance and functionality of the Applicants’ dwelling, and thus will benefit the neighborhood.

The benefit sought by the Applicants (larger and more functional garage and living space) cannot be achieved by some method other than a variance.

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

The requested lot coverage variance is not significant. The requested side yard variance is more substantial, but is the minimum variance that is necessary and adequate to the Applicants’ needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Applicants in their desire to improve their home, but this factor is outweighed by the above findings and conclusions.

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

The requested variances (Core Residential District, minimum side yard, maximum lot coverage) 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 Applicants at the July 6, 2016 hearing except as the same may be modified by the Town Planning Board or 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.

July 20, 2016

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 July ___, 2016.

Kathleen Reid, Secretary
Zoning Board of Appeals

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

V. Discussion/Possible Action

VI. New Business

A. August 3rd ZBA Meeting Cancelled

VII. Minutes Approval

A motion was made by Ms. Lutz, seconded by Mr. Cartagena to approve the minutes of the July 6, 2016 ZBA Meeting.

A. Wednesday, July 06, 2016
VIII. Adjournment

A motion was made by Mr. Devaprasad, Seconded by Mr. Cartagena to adjourn the Meeting at 7:50 PM.

Next Regular Meeting August 17, 2016