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>Jane Barnes</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jeremy Martelle</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Daniel Coffey</td>
<td>Chairman</td>
<td>Present</td>
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<tr>
<td>Holly Nelson Lutz</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Dave Devaprasad</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Michael Moore</td>
<td>Planning/Zoning Board Counsel</td>
<td>Present</td>
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<tr>
<td>Kathleen Reid</td>
<td>Assistant to the Zoning Board of Appeals</td>
<td>Present</td>
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<tr>
<td>Mark Platel</td>
<td>Assistant Building Inspector</td>
<td>Present</td>
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II. Public Hearings

A. Public Hearing for an application submitted by William Drew for a use variance located at 52 Euclid Avenue, Delmar. Applicant is proposing an addition to the existing three unit house that does not meet the Town Zoning Code requirements Under Article VI, Section 128-54, Nonconforming Uses, B.(17-01000007)

The Applicant is in the process of constructing a 160 square foot addition to a pre-existing nonconforming use which is setback 18.75 feet from the front/side property line which is 6.25 feet shy of the 25 feet required. The project is an expansion of a nonconforming use that is not allowed per the Towns Zoning Code and requires a use variance.

The property is located in a Core Residential Zoning District and the current use of the property is as a four family dwelling.

A motion to indent the Public Hearing notice into the minutes was offered by Mr. Devaprasad, 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, April 19, 2017 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application
submitted by William Drew for a Use Variance located at 52 Euclid Avenue, Delmar. The Applicant is proposing an addition to the existing three unit house that does not meet the Town’s Zoning Code requirement under Article VI, Section 128-54, Nonconforming Uses, B.

William Drew presented on his own behalf. Ann Drew was also present to answer questions from the Board. The structure is two stories consisting of four units, currently there are tenants living in three of the units with Mr. Drew and his wife Ann residing on the first floor. If the variance is approved Mr. Drew would utilize the addition to store garden equipment and lumber.

Kelly Cartwright retracted her opposition along with several adjacent neighbors once it was clear what the applicant was proposing.

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

A motion to table the Public Hearing was offered by Mr. Martelle, Seconded by Mr. Devaprasad.

RESULT: KEPT OPEN

B. Public Hearing for an application submitted by Gary Hallock for an area variance located at 22 Alden Court, Delmar. Applicant is proposing to add an addition to his home that does not meet the Town Zoning Code requirements under Article XIII, Section 12-100, A.(17-01000008)

The applicant is proposing to construct two additions onto the existing structure. One of the additions will encroach into the side yard setback. The proposed addition will be 6 feet from the side yard property line which is 2 feet shy of the 8 feet required.

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

A motion to indent the Public Hearing into the minutes was offered by Mr. Devaprasad, 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, April 19, 2017 at 7:10 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Gary and Nancy Hallock for an Area Variance located at 22 Alden Court, Delmar. The Applicant is proposing an addition to the existing house that does not meet the Town’s Zoning Code requirement under Article XIII, Section 128-100, A.

Gary Hallock was present on his own behalf. Mr. Hallock would like to construct an addition to the side of his house, the addition would allow a larger living area for his growing family.
Photos exhibited that there is no other feasible location for the addition and photos of the street supported the Applicants claims that the addition would fit well into the character of the neighborhood. Mr. Hallock would like to remain living in Bethlehem and financially this would be the best option.

The Board received a letter on March 30, 2017, from Alex Laquitar of 20 Alden Court, neighbor to Mr. Hallock in support of the variance.

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

The Public Hearing was closed as follows:

RESULT: CLOSED [UNANIMOUS]
MOVER: Jane Barnes, Board Member
SECONDER: Jeremy Martelle, Board Member
AYES: Barnes, Martelle, Coffey, Lutz, Devaprasad

C. Public Hearing for an application submitted by Dynamic Energy on behalf of Albany Broadcasting Co., Inc., for area variances located at 509 Wemple Road, Glenmont. The Applicant is proposing a ground mounted 2.6MW solar array and supporting infrastructure that does not meet the Town Zoning Code requirements under Article VI, Section 128-61. (17-01000009)

The Applicant is proposing to subdivide a parcel of land and install a 2.6 megawatt photovoltaic solar array on the proposed lot. The proposed array will not meet the 120 foot additional setback to the side and rear property lines. The setback of 15 feet to the side lines are 120 feet shy of the 135 feet required and the rear yard setback of 40 feet is 120 feet shy of the 160 feet required.

The existing 486 foot tall radio towers are required to be set back 150 Percent of the height of the tower or 729 feet to any property line and would be setback 32 feet from the new proposed lot lines 697 feet shy of the required.

The property is located in a Rural Zoning District and the existing use of the property is as a telecommunications facility.

A motion to indent the Public Hearing into the minutes was offered by Mr. Devaprasad, Seconded by Ms. Barnes.

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, April 19, 2017 at 7:20 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Dynamic Energy on behalf of Albany Broadcasting Co., Inc., for an Area Variance located at 509 Wemple Road, Glenmont. The
Applicant is proposing a ground mounted 2.6 MW solar array and supporting infrastructure that does not meet the Town’s Zoning Code requirement under Article VI, Section 128-61.

Scott Starr, Vice President, Dynamic Energy; Greg Boyer, Vice President of Operations, Dynamic Energy; David Ingalls, Ingalls & Associates, Engineer and Dan Tuczinsky, Attorney, were present on behalf of the Applicant.

Mr. Starr started the presentation with a brief background on Dynamic Energy and Albany Broadcasting Company. Mr. Starr presented to the Board the context of the project, an overview and the benefits sought. Mr. Boyer & Mr. Ingalls gave an overview of the technical site plan and specifics of the variance request. The following issues were discussed:

Topography of the site

1. Different options for buffering of the site from Wemple & Weisheit Road to reduce visual impact on adjacent properties
2. Review of Town code - Lot line revision to negate multiple use
3. Why the "no variance" option would not be feasible
4. Safety concerns - liability if variance is approved
5. Who will benefit from the solar array

Residents in attendance had the following concerns:

Noise/safety of the Towers so close to the panels,
future expansion of the site,
visual impact,
water/drainage conditions,
maintenance of property.

The Board requested the following from the Applicant:

1. Photo simulation to show berm with natural vegetation
2. Photo simulation of Wemple Road towards project with panels
3. Display photo simulation of "leaf off" at Weisheit/Wemple Road
4. Photo of Wemple towards project with panels
5. All views proposed

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

The project if approved will go before the Planning Board for Site Plan Review & Special Use permit
The project will go to the Albany County Planning Board for review.

A motion by Ms. Lutz, Seconded by Mr. Devaprasad to conduct an uncoordinated SEQR review if the project is approved.

A motion to table the Public Hearing was offered by Mr. Martelle Seconded by Ms. Barns.

RESULT: KEPT OPEN

D. Public Hearing for an Application submitted by Jennifer Howard on behalf of Stewart’s Shops Corporation for an area variance located at 1344 Route 9W, Selkirk. Applicant is proposing an addition to the existing structure that does not meet the Towns Zoning Code requirement under Article XIII, Section 128-100 A.(17-01000010)

The Applicant is proposing to install a new canopy and construct an addition onto the existing store both proposed structures will not meet the minimum rear yard setback. The canopy will be setback 35 feet from the rear property line, 5 feet shy of the required and the addition will be setback 32 feet from the rear property line, 8 feet shy of the 40 feet required.

The existing use of the property is as a convenience store with retail fuel sales and is located in a Rural Hamlet Zoning District.

A motion to indent the Public Hearing notice into the minutes was offered by Mr. Devaprasad, Seconded by Ms. Barnes.

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, April 19, 2017 at 7:30 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Jennifer Howard on behalf of Stewart’s Shops Corporation for Area Variance(s) located at 1344 Route 9W, Selkirk. The Applicant is proposing an addition and the addition of a gas canopy that does not meet the Town’s Zoning Code requirement under Article XIII, Section 128-100.

Chuck Marshall of Stewart’s Shops, LLC presented to the Board and answered questions from neighbors. Residents conveyed that Stewart’s has been a good neighbor but several residents came out to express their concerns regarding impact of noise, additional gas emissions, lighting, traffic, parking and the new patio proposed. Neighbors to the side and back of the store requested additional buffering be considered to minimize the impact of noise and lighting. The project will go to Albany County Planning Board for a determination. The Board requested the Applicant come back with the following:

1. Vegetation plan

2. Information regarding the canopy change and impact it will cause on the traffic flow

3. Lighting proposed
Chairman Coffey noted the Board received an email from Richard Vanhoesen, adjacent neighbor to Stewart's, with concerns. Jennifer Howard of Stewarts responded with an email to the Board addressing Mr. Vanhoeens concerns.

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

If approved the application will go to the Planning Board for review.

A motion to table the Public Hearing was offered by Mr. Devaprasad, Seconded by Mr. Martelle.

RESULT: KEPT OPEN

III. Applications - Review and Possible Public Hearing Scheduling

• ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY JAMES FITZGERALD FOR AN AREA VARIANCE LOCATED AT 70 DARROCH ROAD, DELMAR. APPLICANT IS PROPOSING AN ADDITION THAT DOES NOT MEET THE TOWN ZONING CODE REQUIREMENTS UNDER ARTICLE XIII, SECTION 128-100(A).(17-01-000012)

A motion to accept the application and set the Public Hearing for May 3, 2017 at 7:20 PM was offered and approved as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Jeremy Martelle, Board Member
AYES: Barnes, Martelle, Coffey, Lutz, Devaprasad

IV. Resolutions

No Resolutions

V. Discussion/Possible Action

• GARY HALLOCK-22 ALDEN COURT, DELMAR

The Board voted to APPROVE the variance application as follows:

Chairman coffey Abstained

Mr. Devaprasad voted to APPROVE the application for the follow reasons:

The project would not produce undesirable change or character to the neighborhood

No other feasible means for the location of the addition

Not a significant variance

Does not pose an adverse enviromental impact

Ms. Lutz voted to APPROVE the variance application as follows:

Although the issue is self-created the Applicant proved that all other criteria will be met

Mr. Martelle and Ms. Barnes APPROVED the variance application for reasons previously stated.
RESULT: APPROVED [4 TO 0]
MOVER: Dave Devaprasad, Board Member
SECONDER: Holly Nelson Lutz, Board Member
AYES: Jane Barnes, Jeremy Martelle, Holly Nelson Lutz, Dave Devaprasad
ABSTAIN: Daniel Coffey

VI. New Business

No New Business

VII. Minutes Approval

A. Wednesday, April 05, 2017

A motion to approve the April 5, 2017 minutes was offered and approved as follows:

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Holly Nelson Lutz, Board Member
SECONDER: Dave Devaprasad, Board Member
AYES: Barnes, Martelle, Coffey, Lutz, Devaprasad

VIII. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Jeremy Martelle, Board Member
AYES: Barnes, Martelle, Coffey, Lutz, Devaprasad

Next Regular Meeting May 3, 2017