

# TOWN OF BETHLEHEM



*John Clarkson*  
*Town Supervisor*

## Zoning Board of Appeals Minutes

*Daniel W. Coffey*  
*Chairman*

Wednesday, February 1, 2017  
7:00 PM

### 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.

Attendee Name	Title	Status	Arrived
Jane Barnes	Board Member	Present	
Jeremy Martelle	Board Member	Present	
Daniel Coffey	Chairman	Present	
Holly Nelson Lutz	Board Member	Present	
Dave Devaprasad	Board Member	Absent	
Michael Moore	Planning/Zoning Board Counsel	Present	
Kathleen Reid	Assistant to the Zoning Board of Appeals	Present	
Mark Platel	Assistant Building Inspector	Present	

### II. Public Hearings

- A. Public hearing for an application submitted by Stanley Hayes of Hyman Hayes Associates on behalf of Albany Medical Center for areas variance(s) located at 99 Delaware Avenue, Delmar. Applicant is proposing facade and landscaping renovations that do not meet the Town's Zoning Code requirements Under Article VI, Section 128-56(H)(K).

The applicant is proposing to occupy the remaining portion of the existing structure with medical offices. The number of parking spaces required is 149, there are 116 proposed. The minimum size parking space required is 9' x 20' and the proposed parking space is 9' x 18' and 9' x 16'. Parking lots exceeding 40 spaces are required to have 10% green space within the parking areas and the proposed green space is at 4.6%. Also proposed is a 15' wide landscaped end island, there are 5 end islands proposed where 11 are required with 1 of the 5 being less than 15' width.

The existing use of the structure is as a medical and business office and is located in the Commercial Hamlet Zoning District.

A motion to indent the Public Hearing notice into the minutes was offered by Ms. Lutz, Seconded by Mr. Martelle with all present 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, February 1, 2017 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Stanley Hayes of Hyman Hayes Associates, LLC, on behalf of Albany Medical Center for area variance(s) located at 99 Delaware Avenue, Delmar. The Applicant is proposing facade and landscaping renovations that do not meet the requirement of the Town's Zoning Code under Article VI, Section 128-56 (H)(K).

Stanley Hyman of Hyman Hayes Associates, LLC was present on behalf of Albany Medical Center. The following issues were discussed:

- Projected daily patients for medical office and hours of operation
- Parking spaces required and number currently on site - overflow of parking on bank property
- Green space requirements

The applicant is proposing the building consist of a Physical Therapy office, an out patient clinic, general office space and a small lab.

After a question and answer period the Board requested the Applicant submit the following:

- Reasoning why 121 parking spaces should be allowed when code requires 149
- Map to scale of the site
- The square footage of green space compared to overall green space

The chairman requested the Applicant confirm a breakdown of the parking space count and size of the spaces to include number of handicap spaces and size of islands proposed.

The Applicant is will clarify the property line between the bank property and the building.

No one was present to speak in favor or in opposition to the project.

The application will go to Albany County Planning Board for review on February 16, 2017.

- B. Public Hearing for an amended application submitted by Heather Myers on behalf of Air Products, 461 River Road for an additional height variance located at 461 River Road Glenmont and Continuation of a Public Hearing for (3) area variance(s) under Article XIII, Section 128-100 A., Height of (3) structures and Backyard setback. Applicant is proposing modernization and expansion to the existing facility.

This application was previously before the Board for (3) variances height variances) since then the Applicant has amended the application to add an additional variance for height of a 75' cooler vessel.

The variances are as follows:

1. LIN Tank - 98' tall for a 38' variance request;
2. Cold Box - 180' tall for a 120' variance request;
3. Liquefier Box 67' tall for a 7' variance request;
4. Cooler Vessel - 75' tall for a 15' variance request.

Per the Boards request a balloon test was conducted on January 21, 2017

ACPB determined that the proposed action will have no significant countywide or intermunicipal impact and deferred to local consideration.

A motion by, Ms. Lutz, Seconded by, Ms. Barnes was offered to indent the Public Hearing Notice into the minutes for the amended application to include an additional height variance at 461 River Road, Glenmont.

## 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, February 1, 2017 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application that was submitted by Heather Myers on behalf of Air Products and Chemicals, Inc. Located at 461 River Road, Glenmont. The Applicant is proposing to expand and modernize the existing facility. The project was before the Board for a Public Hearing on January 4, 2017 for three separate height variances and a rear yard setback. The Applicant has since amended the application to include an additional variance of 15' for a 75' tall cooler vessel. The proposed project does not meet the Town's Zoning Code requirements under Article XIII, Section 128-100 A. Height of structures and rear yard setback

John Privitera of McNamee, Lochner, Tutus & Williams Law Firm represented the Applicant, John Kraft, Air Products, Heather Myers, Air Products, Pat Mitchell, vhb Consulting Engineers were also present to answer questions.

Mr. Privitera added that there is also a 25' rear setback area variance pending that abuts the railroad tracks. He submitted a rendering of the site with the proposed tanks and a report of the balloon test results. The existing 120' cold box will be retired but will remain

for the occasional release of oxygen for safety purposes. There was a brief question and answer period regarding Federal Aviation Administration (FAA) lighting regulations, location of tanks on the site and neighboring tank and pole heights.

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

The Board voted to close the Public Hearing as follows:

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeremy Martelle, Board Member
<b>SECONDER:</b>	Holly Nelson Lutz, Board Member
<b>AYES:</b>	Jane Barnes, Jeremy Martelle, Daniel Coffey, Holly Nelson Lutz
<b>ABSENT:</b>	Dave Devaprasad

### III. Applications - Review and Possible Public Hearing Scheduling

- **ACCEPT APPLICATION AND SCHEDULE PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY MITHUN VYAS ON BEHALF OF DG SUNY SOLAR 1, LLC FOR AREA VARIANCE(S) LOCATED AT 93 BRIDGE STREET, SELKIRK. THE APPLICANT IS PROPOSING A SOLAR PROJECT THAT DOES NOT MEET THE REQUIREMENTS OF THE TOWN LAW UNDER ARTICLES VI, SECTION 128-67,2, ARTICLE XIII, SECTION 128-100, AND ARTICLE VI, SECTION 128-42 A,1.**

A motion to accept the application and set the Public Hearing for February 15, 2017 at 7:00 PM was accepted and approved as follows:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Holly Nelson Lutz, Board Member
<b>SECONDER:</b>	Jeremy Martelle, Board Member
<b>AYES:</b>	Jane Barnes, Jeremy Martelle, Daniel Coffey, Holly Nelson Lutz
<b>ABSENT:</b>	Dave Devaprasad

### IV. Resolutions

No resolutions to be voted on

### V. Discussion/Possible Action

- **AIR PRODUCTS AND CHEMICALS, INC.-461 RIVER ROAD, GLENMONT**

The (4) height variance(s) and (1) setback variance was approved as follows:

Chairman Coffey visited the site and voted to approve the variances for the following reasons:

- Minimal if any visual impact to neighbors
- Industrial neighborhood
- Although significant setback variance, expressed that there is no feasible way to achieve the benefit with the parcels unique location
- Adjacent businesses (railroad) are not opposed
- No environmental impact

Ms. Lutz visited the site and voted to approve the variances for the following reasons:

- Neighbors are industrial

- No visual impact to area
- Railroad not opposed to setback
- No change to the environmental Impact

Mr. Martelle visited the site and voted to approve the Variances for the following reasons:

- Agreed with the Board for all reasons previously stated

Ms. Barnes visited the site and voted to approve the variances for the following reasons:

- Agreed with the Board for all reasons previously stated

A short environmental assessment was performed by the Board for its SEQR review. Upon a motion by Ms. Lutz, Seconded by Mr. Martelle the Board found the proposed action will not result in any significant environmental impact.

Counsel will prepare a SEQR resolution for the next meeting to be voted on.

**RESULT:**                   **APPROVED [UNANIMOUS]**  
**MOVER:**                   Jane Barnes, Board Member  
**SECONDER:**               Holly Nelson Lutz, Board Member  
**AYES:**                     Jane Barnes, Jeremy Martelle, Daniel Coffey, Holly Nelson Lutz  
**ABSENT:**                  Dave Devaprasad

**VI. New Business**

No new business

**VII. Minutes Approval**

**A. Wednesday, January 18, 2017**

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

**B. Wednesday, January 04, 2017**

**RESULT:**                   **TABLED [UNANIMOUS]**  
**MOVER:**                   Daniel Coffey, Chairman  
**SECONDER:**               Jeremy Martelle, Holly Nelson Lutz  
**AYES:**                     Jane Barnes, Jeremy Martelle, Daniel Coffey, Holly Nelson Lutz  
**ABSENT:**                  Dave Devaprasad

**VIII. Adjournment**

A motion to adjourn the meeting at 7:58 PM was made by Mr. Martelle, Seconded by Ms. Barnes.

Next Regular Meeting February 15, 2017