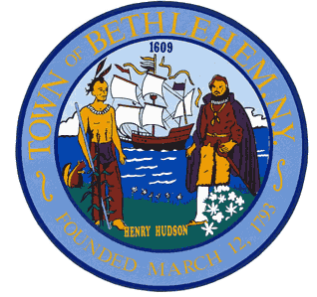


TOWN OF BETHLEHEM



John Clarkson
Town Supervisor

Zoning Board of Appeals Minutes

Daniel W. Coffey
Chairman

Wednesday, March 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	Present	
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 Edmund Buckley for an area variance located at 5 Clarkson Road, Delmar. Applicant is proposing construction of a garage does not meet the current zoning code for front/side yard setback under Article V, 128-30, C(1).

A motion to indent the Public Hearing into the minutes was offered by Mr. Devaprasad, Seconded by Ms. Lutz 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, March 1, 2017 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Edmund Buckley for area variance(s) located at 5 Clarkson Road, Delmar. The Applicant is proposing the construction of a garage that does not meet the requirement of the Town's Zoning Code under Article V, Section 128-30 Core Residential District, C. Accessory Uses, (1).

The Applicant is proposing to construct a detached garage that will not meet the Towns Zoning Code requirement for front and side yard setback for an accessory structure. The garage proposed would be 17 feet from the front/side property line, which is 3 feet shy of the requirement.

Mr. Buckley spoke on his own behalf. The structure proposed will be detached from the existing single family house with attached garage. The siding, roof and windows of the new structure will match the existing house. Mr. Buckley is requesting the variance be considered as construction of the structure in another area of his property would compromise the integrity of an existing tree it would also prevent an overlap at the nearest corner of the existing house, providing more separation for fire protection and emergency services. The additional structure will be used to house vehicles and a repair bay for personal use only.

After a brief question and answer period Chairman Coffey noted the following neighbors submitted letters in support of the variance:

David Loux - 51 Douglas Road

Alan Poirier - 48 Douglas Road

David Horton - 6 Clarkson Road

David Shanley - 11 Clarkson Road

Vincent and Gail Mannarino - 322 Wellington Road

Gregory Balacave - 64 Wellington Road

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

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

The Public Hearing was closed as follows:

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

- B.** Continuation of a Public Hearing for an application submitted by Louis Neri, ESQ on behalf of Jeff A. Vadney for area variances located on Vadney Road, Delmar. The Applicant is proposing a subdivision that does not meet the Town Zoning Code under Article XIII, Section 128-100(A), lot and bulk requirements and Article VI, Section 128-42, lot requirements.

This application was first before the Board on December 21, 2016 since then Albany County Planning Board (ACPB) found that the proposed action will have no significant countywide or intermunicipal impact. And deferred to local consideration.

Mr. Neri counsel for the Applicant gave a recap of the project to the Board.

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

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. Continuation of a 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.

The Applicant was last before the Board on February 15, 2017 at that time the Board requested the Applicant come back with a signed agreement for the easement along Speeder Road.

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

Mr. Vyas was present to speak on behalf of the Applicant.

There was a brief question and answer period regarding the size of the variance requested and if other properties were considered that would not require such a variance.

The Board agreed to have counsel include language in the Resolution to insure the Applicants submittal of an easement agreement when he applies to the Planning Board for site plan review.

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

The Public Hearing was closed as follows:

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

- D. Continuation of 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).

This project was originally before the Board on February 1, 2017 and February 15th since then ACPB has found that the proposed action will have no significant countywide or intermunicipal impact and deferred for local consideration WITH AN ADVISORY that the town may want to consider the need for a snow storage area to be shown on the plan or a provision by the applicant for removal of snow off site if it cannot be provided for on the property due to a parking variance approval.

If the curb cut to SR 443 on the western end of the property is shared with the adjacent bank property

There should be a shared access agreement.

Since the February 15, 2017 meeting the applicant has submitted a revised parking count calculation.

Stanley Hayes of Hyman Hayes Associates was present on behalf of the Applicant.

Mr. Hayes addressed comments from the Board and from ACPB.

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

The Public Hearing was closed as follows:

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

III. Applications - Review and Possible Public Hearing Scheduling

- **ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY ELOISE BRIERE FOR AN AREA VARIANCE LOCATED AT 48 HERRICK AVENUE, DELMAR. APPLICANT IS PROPOSING CONSTRUCTION OF AN ENTRYWAY THAT DOES NOT MEET THE MINIMUM SETBACK TO THE FRONT OF THE PROPERTY LINE ON BOTH FRONT YARDS OF A CORNER LOT UNDER ARTICLE XIII, SECTION 128-100, SCHEDULE OF AREA, YARD AND BULK REQUIREMENTS, A.**

A motion to accept the Application and set the public hearing for March 15, 2017 at 7:00 PM was offered and approved as follows:

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

- **ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY SANDRA L. ZELKA ON BEHALF OF CURTIS LUMBER-12 GROVE STREET, DELMAR. THE APPLICANT IS PROPOSING SIGNAGE TO AN EXISTING NON-CONFORMING FREESTANDING SIGN LOCATED AT 363 DELAWARE AVENUE, DELMAR.**

A motion to accept the Application and set the public hearing for March 15, 2017 at 7:10 PM was offered and approved as follows:

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

- **ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY MICHAEL CARUSO OF CARTHON BUILDERS FOR AREA VARIANCE(S) LOCATED AT 133A KENWOOD AVENUE, DELMAR. APPLICANT IS REQUESTING A VARIANCE FOR AN EXISTING DECK THAT DOES NOT MEET THE ZONING REQUIREMENTS UNDER ARTICLE XIII, SECTION 128-100,A.**

A motion to accept the Application and set the public hearing for March 15, 2017 at 7:20 PM was offered and approved as follows:

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

IV. Resolutions

V. Discussion/Possible Action

• **EDMUND BUCKLEY - 5 CLARKSON ROAD, DELMAR**

The Board voted to APPROVE the variance(s) for Edmund Buckley, 5 Clarkson Road, Delmar, as follows:

Chairman Coffey -

No opposition from neighbors

Does not have a negative impact on neighborhood

No other feasible alternative without disturbing maple tree

insignificant variance

Ms. Lutz -

For all reasons previously stated

Mr. Devaprasad -

Not a significant variance

Would be a benefit to the property

No opposition from neighbors

Mr. Martelle -

For all reasons previously stated

Ms. Barnes -

For all reasons previously stated

Ms. Lutz -

For all reasons previously stated

Counsel will draft a resolution to be voted on at the March 15, 2017 meeting.

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

• **NERI (VADNEY) - VADNEY ROAD, DELMAR**

The Board voted to APPROVE the variance for Mr. Vadney, Vadney Road, Delmar, as follows:

Chairman Coffey -

Unique situation

Proper easement would be granted if approved by the Planning Board for emergency vehicles

Implementation of a road by the Town would be cost prohibited

No other feasible means without a variance granted for the easement

Ms. Lutz -

Abstained herself from the vote but wanted to add the following comment "Due to the uniqueness of the situation involving a will I can not see any other avenue for the Applicant."

Mr. Devaprasad -

Agreed for all reasons previously stated

Reasons stated in the application

Pre-existing nature of road issue giving the Applicant no other alternative

Mr. Martelle -

For all reasons previously stated

Ms. Barnes -

For all reasons previously stated

A motion to APPROVE the variance(s) for Vadney Road was offered and approved by Mr. Devaprasad, Seconded by Jeremy Martelle.

Counsel will draft a resolution to be voted on at the March 15, 2017 meeting.

- **DG SUNY SOAR 1, LLC - 93 BRIDGE STREET, SELKIRK**

The Board voted to APPROVE the variance(s) for DG SUNY Solar 1, LLC, as follows:

Chairman Coffey -

The project is consistent with the Heavy Industrial zoned area

The variance is significant but the positive impact on the neighborhood overrides their significance

No change or significant environmental impact to the neighborhood

Mr. Martelle -

The project is consistent with the surrounding area

Mr. Devaprasad -

The project will have a positive impact to the town and environment

For all reasons previously stated

Ms. Lutz -

Desirable change to the neighborhood

Solar panels are quiet - no noise

Improvement to the Industrial area and good impact on environment

No other feasible means to achieve benefit

Ms. Barnes -

For all reasons previously stated

Great project for town

Counsel will include language in the resolution to insure the Applicants submittal of an easement agreement when submitting to Planning Board.

Counsel will draft a resolution to be voted on at the March 15, 2017 meeting.

A motion to Approve the variance(s) was offered and approved by Ms. Barnes, Seconded by Ms. Lutz.

- **AMC - 99 DELAWARE AVENUE, DELMAR**

The Board voted to APPROVE the variance(s) for Albany Medical Center (AMC), 99 Delaware Avenue , as follows:

Chairman Coffey -

Although a twenty nine space variance for parking is significant the applicant has demonstrated that 120 would be a sufficient amount of spaces

Best feasible design given the space restraints

Design will aesthetically improve entryway into community

Applicant addressed ACPB comment for snow removal off site

Applicant will provide a separate curb cut from Bank of America

Mr. Martelle -

Project will be great benefit to the community

Ten percent green space issue was addressed

Changes to site will be a desirable change

Improvements will be positive for entryway into community

Ms. Lutz -

Although variance is substantial applicant proved 120 spaces would be sufficient

Betterment to neighborhood

Mr. Devaprasad -

For all reasons previously stated

Huge positive impact on town

Positive physical environmental impact

Ms. Barnes -

Improvement to current site

Improvement to curb appeal and general aesthetics

Good step in right direction for beautifying that part of Delaware Avenue

A motion to APPROVE the variance(s) for was offered an approved by Mr. Martelle, Seconded by Ms. Barnes.

Counsel will draft a resolution to be voted on at the March 15, 2017 meeting.

VI. New Business

VII. Minutes Approval

A. Wednesday, February 15, 2017

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

VIII. Adjournment

Next Regular Meeting March 15, 2017

Motion To: Adjourn

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

The Meeting was adjourned at 8:07 PM

The next regular meeting April 5, 2017