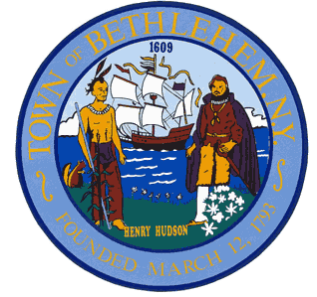


TOWN OF BETHLEHEM

John Clarkson
Town Supervisor

Zoning Board of Appeals Minutes



Daniel W. Coffey
Chairman

Wednesday, July 5, 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
Daniel Coffey	Chairman	Present	
Jane Barnes	Board Member	Absent	
Dave Devaprasad	Board Member	Present	
Donna Giliberto	Board Member	Present	
Jeremy Martelle	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Present	
Mark Platel	Assistant Building Inspector	Present	
Craig Yaiser	Assistant Building Inspector	Present	
Kathleen Reid	Assistant to the Zoning Board of Appeals	Present	

A. Welcome New Board Member Donna Giliberto

II. Public Hearings

- A. Public Hearing for an application submitted by John T. Biscione, ESQ. on behalf of Kevin Frick for an area variance located at 66 Wheeler Road, Glenmont. Applicant would like to complete construction of a pool shed that does not meet the Zoning Law of the Town of Bethlehem under Article V, Section 128-32, C. Accessory Uses (17-01000015)

The Applicant is proposing to construct a 276 square foot accessory structure in the front yard of the lot. An accessory structure is not permitted to be located in the front yard which is defined as in short the portion of the lot between the main structure and the street.

The existing use of the property is as a single family dwelling and is located in the Rural Riverfront District.

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

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 5, 2017 at 7:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action

on an application submitted by John T. Biscone on behalf of Kevin Frick for an Area Variance located at 66 Wheeler Road, Glenmont. The Applicant is constructing a pool shed that is partially located on the front yard of the property which is not permitted in the Town's Zoning Code for this district under Article V, Section 128-32 C.

Attorney John Biscone was present to speak on behalf of the Applicant. The previous shed was removed after a tree had fallen down and destroyed it. The Applicant is in need of storage for the existing pool which has been on the property for 30 years. Under definition of the Towns Code the pool is also considered on the front of the property not the side yard. The Applicant would like to construct a new shed in the same location. The Applicant has agreed to plant shrubs high enough to buffer the shed from the view of the roadway and surrounding properties. There are no previous variances for the pool or shed.

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

The Board voted to close the Public Hearing as follows:

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Dave Devaprasad, Board Member
SECONDER:	Jeremy Martelle, Board Member
AYES:	Daniel Coffey, Dave Devaprasad, Donna Giliberto, Jeremy Martelle
ABSENT:	Jane Barnes

III. Applications - Review and Possible Public Hearing Scheduling

- **ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY WILLIAM SPINOSA FOR AN AREA VARIANCE LOCATED AT 629 ROUTE 9W, GLENMONT. THE APPLICANT IS PROPOSING TO REMOVE EXISTING CAR PORTS AND DEMOLISH PART OF AN EXISTING STRUCTURE TO CONSTRUCT A NEW GARAGE FOR STORAGE OF VEHICLES. THE PROJECT DOES NOT MEET THE MINIMUM LOT COVERAGE REQUIREMENT UNDER ARTICLE V, SECTION 128-35, C. ACCESSORY USES, (3) MAXIMUM COVERAGE.(17-01000016)**

The Board voted to accept the application and set the Public Hearing for July 19, 2017 at 7:00 PM as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Donna Giliberto, Board Member
SECONDER:	Dave Devaprasad, Board Member
AYES:	Daniel Coffey, Dave Devaprasad, Donna Giliberto, Jeremy Martelle
ABSENT:	Jane Barnes

- **ACCEPT APPLICATION AND SET PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY TIMOTHY AHERNS, FOREFRONT POWER, LLC ON BEHALF OF THE ESTATE OF MARVIN LAGRANGE FOR THE PROPOSAL OF A GROUND MOUNTED SOLAR FACILITY FOR THE SOLE USE OF THE BETHLEHEM CENTRAL SCHOOL DISTRICT. THE PROJECT SITE IS LOCATED ON DELAWARE AVENUE, PARCEL NO. 95.00-4-30.THE PROPOSED PROJECT DOES NOT MEET THE TOWNS ZONING CODE REQUIREMENTS UNDER ARTICLE XIII, SECTION 128-99, A SCHEDULE OF USES - A LARGE SCALE PV SYSTEM IS NOT A PERMITTED USE IN THE RURAL HAMLET ZONING DISTRICT AND ARTICLE VIII, SECTION 128-67.2, E. (3) (B) [2] [A], FOR SETBACK REQUIREMENTS WHEN ABUTTING A RESIDENTIAL DISTRICT. (17-01000017)**

The Board voted to accept the application and set the Public Hearing for August 2, 2017 at 7:00 PM as follows:

RESULT: APPROVED [UNANIMOUS]
MOVER: Dave Devaprasad, Board Member
SECONDER: Jeremy Martelle, Board Member
AYES: Daniel Coffey, Dave Devaprasad, Donna Giliberto, Jeremy Martelle
ABSENT: Jane Barnes

IV. Resolutions

V. Discussion/Possible Action

Motion To: Kevin Frick - 66 Wheeler Road, Glenmont

RESULT: APPROVED [UNANIMOUS]
MOVER: Jeremy Martelle, Board Member
SECONDER: Donna Giliberto, Board Member
AYES: Daniel Coffey, Dave Devaprasad, Donna Giliberto, Jeremy Martelle
ABSENT: Jane Barnes

The Board voted to APPROVE the variance subject to the condition that the Applicant provide shrubbery to the structure from the roadway as follows:

Chairman Coffey -

Unique property

No other feasible alternative

No change to character of neighborhood

Applicant will add shrubs to buffer shed

Mr. Martelle -

The Proposed structure is similar in size and location of previous structure

Neighbors are in favor of the project

Not a visual or environmental impact

Applicant will add shrubs to buffer shed

Ms. Giliberto -

Proposed shed and shrubs will be very attractive

For all reasons previously stated

Mr. Devaprasad -

Applicant will add shrubs to buffer shed

For all reasons previously stated

VI. New Business

VII. Minutes Approval

A. Wednesday, June 21, 2017

RESULT:	ACCEPTED [3 TO 0]
MOVER:	Dave Devaprasad, Board Member
SECONDER:	Jeremy Martelle, Board Member
AYES:	Daniel Coffey, Dave Devaprasad, Jeremy Martelle
ABSTAIN:	Donna Giliberto
ABSENT:	Jane Barnes

VIII. Adjournment

An offer to adjourn the meeting at 7:20 PM was made by Mr. Devaprasad, Seconded by Ms. Giliberto

Next Regular Meeting July 19, 2017.