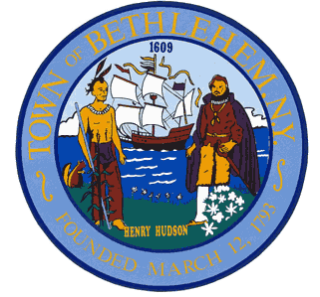


TOWN OF BETHLEHEM



David VanLuven
Town Supervisor

Zoning Board of Appeals Minutes

David Devaprasad
Chairman

Wednesday, January 17, 2018
6:00 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 6:00 PM.

Attendee Name	Title	Status	Arrived
Dave Devaprasad	Chairman	Present	
Jane Barnes	Board Member	Present	
Joshua Beams	Board Member	Absent	
Donna Giliberto	Board Member	Present	
Jeremy Martelle	Board Member	Present	
Michael Moore	Planning/Zoning Board Counsel	Absent	
Mark Platel	Assistant Building Inspector	Present	
Craig Yaiser	Assistant Building Inspector	Present	
Kathleen Reid	Assistant to the Zoning Board of Appeals	Present	

II. Public Hearings

No Public Hearings at this time

III. Applications - Review and Possible Public Hearing Scheduling

- **WENDY'S RESTAURANT - 261 ROUTE 9W FOR AN ARE VARIANCE UNDER SECTION ARTICLE VI, SIGNS, SECTION'S 128-59 J(2)(3)& 128-59 C(9). (17-01000030)**

The Board voted to accept the application and set the Public Hearing for February 7, 2018 at 6 PM.

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

IV. Resolutions

- **INNOVATIVE SOLUTIONS-454 RIVER ROAD, GLENMONT**

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 VI, Supplemental Regulations, Section 128-59 I and K (Signs in Industrial District, size; and Nonconforming signs, alteration, conformance required) requested by AJ Sign Company (“Applicant”), Innovative Surface Solutions (“Owner”) for property at 454 River Road, Glenmont, 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 January 3, 2018; 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 and Owner propose to replace an existing freestanding sign of 70 square feet with another of the same size and at the same location on the Owner’s property in the Industrial (I) District. The Town Code limits freestanding signs in the I District to 40 square feet; the existing sign is legally pre-existing and nonconforming. The Town Code also provides that if any legally existing nonconforming signs are altered, they must conform to the requirements of Section

128-59. The property is occupied by the Owner's manufacturing business of road maintenance and agricultural products.

Emma Van Vorst of AJ Sign Company testified in support of the application.

The new sign is proposed to provide consistent identification to the public of the Owner's brand. The existing sign and the proposed new sign would be located on support structures now cemented into place on the property.

The property is in a little developed section of the Town. The proposed sign will not detract from the existing neighborhood character.

The posted speed limit on NY Route 144 (River Road) adjacent to the property is 55 mph. Applicant testified, and the Board agrees, that a smaller freestanding sign might not be readily visible to vehicles on the Road looking for the Owner's property.

By Recommendation dated December 21, 2017 (Case No. 4-17122917) the Albany County Planning Board deferred to local consideration on the application.

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 Applicant and Owner, the Board determines that the proposed variances (Signs in Industrial District, size; and Nonconforming signs, alteration, conformance required) will be granted.

The Board has determined that the requested variances will be a benefit to the Owner in maintaining its brand identification to the public, and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood.

The benefit sought by the Owner could be achieved with a smaller sign, but this would require a costly alteration of the support structure existing on the property.

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

The requested variance is substantial, but maintains the sign in its present lawful size, and is the minimum variance that is necessary and adequate to the Owner's needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has been created by the Owner but this factor is outweighed by the above findings and Determinations.

The proposed replacement sign is a "Type II" action under the NY State Environmental Quality Review Act ("SEQRA") (6 NYCRR 617.5 [c] [2]), and no environmental impact review is required.

The requested variances (Signs in Industrial District, size; and Nonconforming signs, alteration, conformance required) 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 Applicant and Owner at the January 3, 2018 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.

January 17, 2018

S. David Devaprasad

Chairman

Zoning Board of Appeals

The foregoing Resolution filed with the Clerk of the Town of Bethlehem, Albany County, New York, on January ____, 2018.

Kathleen Reid, Secretary

Zoning Board of Appeals

The Resolution for Innovative Solutions, 454 River Road, Glenmont, was accepted and approved as follows:

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

V. Discussion/Possible Action

VI. New Business

No new Business at this time

VII. Minutes Approval

A. Wednesday, January 03, 2018

Mr. Martelle was not present for the January 3, 2018 meeting but did watch the meeting video and was therefore able to vote on acceptance of the minutes.

The minutes were accepted and approved as follows:

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Donna Giliberto, Board Member
SECONDER: Jane Barnes, Board Member
AYES: Dave Devaprasad, Jane Barnes, Donna Giliberto, Jeremy Martelle
ABSENT: Joshua Beams

VIII. Adjournment

Motion To:

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

The Meeting was adjourned at 6:02 PM

Next Regular Meeting February 7, 2018, 6:00 PM