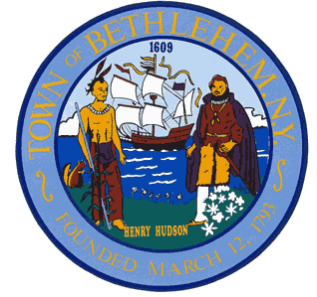


# TOWN OF BETHLEHEM

*David VanLuven*  
*Town Supervisor*

## Zoning Board of Appeals Minutes



*David Devaprasad*  
*Chairman*

Wednesday, January 2, 2019  
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	Present	
Donna Giliberto	Board Member	Present	
Jeremy Martelle	Board Member	Present	
Mark Sweeney	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	

### II. Public Hearings

- A. Public Hearing for an application submitted by Lee Kaback-405 Orchard Street, Delmar, for an area variance under Article V, Section 128-27, Accessory uses(1)Location(18-01000019)

The Applicant is proposing to construct an accessory structure in their front yard. Accessory structures in the "RA" zone are not allowed in the front yard.

The parcel is located in the Residential "A" Zoning District and is currently a single family dwelling.

A Motion to indent the Public Hearing notice into the minutes was offered by Chairman 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, January 2, 2019 at 6:00 PM, at the Town Offices, 445 Delaware Avenue, Delmar, New York, to take action on an application submitted by Lee Kaback for an area variance located at 405 Orchard Street, Delmar. The Applicant is proposing to construct a shed that does not meet the Town Zoning Code requirements under Article V, Section 128-27, Accessory uses (1) location.

Mr. Kaback presented on his own behalf. The following items were discussed:

1. Location on the property where a variance would not be required
2. Limitations on the parcel for placement of the shed in another location
3. Additional cost to place the shed in an allowed location and have access to utilities required

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

The Public Hearing was closed as follows:

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Dave Devaprasad, Chairman
<b>SECONDER:</b>	Joshua Beams, Board Member
<b>AYES:</b>	Devaprasad, Barnes, Beams, Giliberto, Martelle

**B. Public Hearing Continuation-Comfort Inn-37 Route 9W, Glenmont for Area Variance(s) under Article VI, Section 128-59, G. Signs and 128-59, K (18-01000018)**

This project was last before the Board at the December 19, 2018 Meeting; at that time the Board requested renderings of the proposed signage in conformance and at a distance to compare height.

Mike Fansiwala, owner of the property, was present to speak on behalf of the project. He reviewed the proposed signage and displayed the size and height of the sign compared to the existing signage. There was some concerns by the Board and an adjacent neighbor regarding lighting, he informed the Board that the smaller size of the sign will also reduce the lighting from the sign. The Board requested the Applicant submit a letter of acceptance by the New York State Thruway Authority.

ACPB recommended notification to the New York State Thruway Authority for assessment of impacts to Thruway lands.

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

The Board voted to close the Public Hearing as follows:

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Dave Devaprasad, Chairman
<b>SECONDER:</b>	Donna Giliberto, Board Member
<b>AYES:</b>	Devaprasad, Barnes, Beams, Giliberto, Martelle

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

**IV. Resolutions**

**V. Discussion/Possible Action**

- **KABACK-405 ORCHARD STREET, DELMAR**

The Board voted to APPROVE the variance(s) as follows:

Ms. Barnes-

- Will not be an undesirable change to the neighborhood
- No other feasible location mostly due to restraints on property

- Substantiality of request is mitigated by other factors
  - Unique parcel, set back from roadway
- Ms. Giliberto-
- Restrictions on parcel
  - Not self-created (due to restraints on property)
  - No adverse physical or environmental impact on neighborhood
  - Financial hardship to locate in back of home due to placement of utilities

Mr. Beams-

- For all reasons previously stated

Chairman Devaprasad-

- Unique parcel, set back from roadway
- Impact if any is minimal
- Not a Significant request
- For all reasons previously stated

Mr. Martelle-

- For all reasons previously stated

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dave Devaprasad, Chairman
<b>SECONDER:</b>	Joshua Beams, Board Member
<b>AYES:</b>	Devaprasad, Barnes, Beams, Giliberto, Martelle

- **COMFORT INN-37 ROUTE 9W, GLENMONT**

The Board voted to APPROVE the variance(s) as follows:

Mr. Martelle-In Support

- Similar variance approved for Econolodge in 2012
- Not an undesirable change
- Not substantial in comparison to signage in same corridor
- No significant visual or noise impact

Chairman Devaprasad- In Support

- Proposed is a reduction in overall signage
- No adverse environmental impact
- Pleasing visual appearance

Mr. Beams-In Support

- In support for all reasons previously stated
- Ms. Giliberto-Does NOT support variance
- Applicant can conform to local signage law
  - Corporate mandate respects local zoning

- Benefit can be achieved by other feasible means

Ms. Barnes-In Support

- In support for all reasons previously stated

The Board voted to approve the variance request 4-1, with the condition that the Applicant submit proof or acceptance from the New York State Thruway Authority prior to a permit being issued.

**RESULT:** APPROVED [4 TO 1]  
**MOVER:** Dave Devaprasad, Chairman  
**SECONDER:** Joshua Beams, Board Member  
**AYES:** Dave Devaprasad, Jane Barnes, Joshua Beams, Jeremy Martelle  
**NAYS:** Donna Giliberto

## **VI. New Business**

No New Business

## **VII. Minutes Approval**

### **A. Wednesday, December 19, 2018**

**RESULT:** TABLED [UNANIMOUS]  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

## **VIII. Adjournment**

### **Motion To:**

**RESULT:** ADJOURN [UNANIMOUS]  
**MOVER:** Dave Devaprasad, Chairman  
**SECONDER:** Donna Giliberto, Board Member  
**AYES:** Devaprasad, Barnes, Beams, Giliberto, Martelle

The Meeting was adjourned at 7:40PM

Next Regular Meeting January 16, 2019