

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

August 19, 2009

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Chairman Hodom presided.

PRESENT: Michael Hodom, Board of Appeals Chairman
Keith Silliman, Planning Board Counsel
David DeCancio, Board of Appeals Member
Lennie Micelli, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member

Mark Platel, Assistant Building Inspector
Justin Harbinger, Assistant Building Inspector

Dan Cleary, Bohler Engineering
Mike Tucker, Infinigy Engineering

AGENDA: TD Bank
Pines @ Normanside

Chairman Hodom called the meeting to order at 7:00pm.

PUBLIC HEARINGS

TD Bank

The Board had received an application for an area variance under Article VI, Section 128-59 D(6) to allow internal illumination of two (2) signs.

Mr Harbinger said the applicant is proposing to install two (2) signs on the front façade of the building which will be lit by internal means. In the Hamlet Zoning District, signs may be lit by external means only. The proposed signs will meet all of the other requirements for signs in regards to size and location. The building is currently operated by TD Bank and as stated earlier is located in a Hamlet Zoning District.

A motion to indent the public hearing notice into the record was offered by Mr. Watson seconded by Mr. Umina and approved by all Board members present.

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, August 19, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of TD Bank for a variance under Article VI, Section 128-59 D (6),internally lit signs, of the Code of the Town of Bethlehem. The applicant requests the ability to internally light two (2) signs at property located at 343 Delaware Ave., Delmar, NY.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.

Mr. Cleary, Bohler Engineering, presented for the applicant, TD Bank.

- TD Banknorth is rebranding to TD Bank
- four hundred (400) stores are involved with rebranding
- the sign permits were approved except the internal illumination
- there are two sign variance requests in the one (1) application
- Mr. Cleary spoke about the sign over the front door:
 - channel letters are smaller than the existing sign
 - will be under nineteen (19) square feet
 - replacing existing illuminated sign with a smaller one will not change character of the neighborhood
 - the applicant seeks to replace an existing sign with a similar sign as part of corporate rebranding, external lighting from the ground up would be difficult because of a small area in the front of the bank and the area above the sign is very small also making down lighting difficult.
 - request is not substantial because they are taking an existing condition and making it smaller
 - applicant doesn't believe the proposed sign will have an adverse effect on environmental conditions in the neighborhood
 - alleged difficulty was not self-created because they are requesting a smaller, similar sign to what exists
- Mr. Cleary spoke about the proposed projecting sign replacing the existing pylon sign:
 - applicant didn't think the pylon sign fit in the neighborhood so they proposed a flag sign that would be mounted on the building
 - existing sign size is twenty-four (24) square feet and the proposed sign size is eighteen point nine eight (18.98) square feet.
 - existing sign is internally illuminated
 - applicant doesn't believe sign will be a detriment to the neighborhood because the proposed sign is smaller than existing.
 - benefit sought could not be achieved by some other method because of the landscaping in the front of the building, up-lighting would not be practical. Concern was up-lighting would interfere with pedestrians. Applicant didn't like the look of overhead exterior lighting such as gooseneck. It wouldn't fit with the style of the building
 - variance requested is not substantial, the proposed sign is smaller than the existing sign.
 - the proposed sign will not have a physical or environmental effect on the area because the proposed sign is smaller than the existing sign.
 - alleged difficulty is not self-created because the applicant wants to replace an existing sign with a smaller sign than the existing sign.
 - freestanding pylon sign will be removed
 - 2 other illuminated signs at the drive thru are also being removed

Board comments to the presentation and requests:

- Zoning code allows a wall sign and a free standing sign. Asked Mr. Harbinger, is flag sign considered a freestanding sign or is the square footage of the two (2)

combined signs part of the square footage allowed on the face of the building. Mr. Cleary said they had received sign permits to install signs. Building department has done a code review. Total square footage of the signs are less than allowed.

- proof that an externally illuminated sign would be hard to see. Applicant doesn't have any proof. There isn't room to put lighting above because of the style of the sign. Sign designer thinks the only way to light the sign is internally.

- asked staff why front wall sign is considered new because there is an existing sign. Once a sign is taken down and replaced, it loses its pre-existing, non-conforming status.

- does the existing sign stay on all night long. Reply- Mr. Cleary not sure but in other places applicant has agreed to hours of lighting restrictions.

- why the flag sign, wouldn't the door sign be sufficient. Reply – didn't want to lose visibility, flag sign more vehicular oriented, door sign pedestrian oriented.

- asked for a list of comparable banks that are changing within a twenty-five mile radius, with addresses

- do all of those banks have internal illumination? Reply – one exception in historic district in downtown Albany.

- asked if the building in Albany had the same façade as the Delaware Avenue site. Reply – not sure but in a historic district

- how many in Albany County. Reply 3 banks

- hours and days of operation. Reply – 7 days a week, with tellers, not sure of hours.

- had they considered a monument sign instead of flag sign? – Reply – they had not, proposed sign has received permit and has already been manufactured.

- asked for a letter from the bank architect as to why an externally lit sign would not be compatible with the design of the building.

Hearing declared closed at 7:25PM.

DISCUSSIONS

The Board had received additional information from the Pines@Normanside. The Board members were satisfied that the additional information has answered the requests from the Board.

A motion to reschedule the continuation of the Public Hearing on September 2, 2009 at 7:00PM was offered by Chairman Hodom, seconded by Mr. Micelli and approved by all Board members present.

A motion to adjourn was offered by Mr. Watson, seconded by Mr. Micelli and approved by all Board members present.

The meeting adjourned at 7:33.

Respectfully Submitted,
Nanci Moquin

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