

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

January 7, 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
Michael Moore, Board of Appeals Counsel
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member
Lennie Micelli, Board of Appeals Member

Mark Platel, Assistant Building Inspector

Rick Schrade
Brian Devane

AGENDA: Rick and Elizabeth Schrade

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

Note that the recording machine was not working and the applicant said he didn't care and asked that the Board proceed with the public hearing.

PUBLIC HEARINGS

Rick and Elizabeth Schrade

This Public Hearing was for an application for a variance under Article VI, Supplementary Regulations, Section 128-59, Signs, D (1).

Mr. Platel said the applicant is proposing to install a six (6) square foot sign onto the existing thirty (30) square foot freestanding sign creating a total sign of thirty-six (36) square feet. This is sixteen (16) square feet over the twenty (20) square feet of signage allowed for a business in a Hamlet Zoning District.

Rick Schrade presented for the application. He said that in 2000 the Planning Board had given him a Site Plan for a twenty five hundred (2,500) square foot building. When the construction of Cherry Avenue took place he reconfigured the inside of his building for an additional tenant and put up a new back lit aluminum sign to hold all the tenants. When the new Zoning Law was put into effect, he had not realized that the signage requirements had also changed. Mr. Schrade submitted into the record a chart with photos and square footage of other signs in the vicinity of his business. The signs were for the Stewarts on the corner, the empty Mobil station, the Cherry Arms Apartment building, the Bethelhem High School and the Delmar Presbyterian Church. He did not think his request was out of line with those signs. He said it would be smaller than the high school building. He was asking for an increase in signage to accommodate an additional tenant. When asked by the Chairman, Mr. Schrade said the existing sign was installed in September 2005.

Chairman Hodom asked if Mr. Schrade had considered using wall signage for the tenant because it was allowed by the current code. The wall signage length could be 2/3 the width of the face of the building. Mr. Schrade said he didn't want wall signage; he wanted all the signage in one spot.

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

Mr. Devane, the tenant, didn't think the wall sign would be practical. Mr. Schrade said he liked internally lit signs. He had had a sign with external lighting and doesn't want them again. He said the plastic and aluminum sign was expensive. It cost him about five thousand dollars (\$5,000).

Mr. Micelli asked if Mr. Schrade would consider a monument sign. Mr. Schrade said he didn't want a monument sign. Stewart's snow removal covers some of the sign.

Chairman Hodom mentioned a few items that needed to be corrected on Mr. Schrade's application. The size of the existing sign was sixty(60) inches by seventy-two (72) inches. On the site plan the sign should show as six (6) feet wide and five (5) feet tall and the height of the sign is nine (9) feet to the top of the sign.

Chairman Hodom asked if Mr. Schrade intended on replacing the existing sign. Mr. Schrade said no, it would be too expensive. Chairman Hodom said the portion of the sign dedicated to the three (3) attorneys was eighteen (18) inches by seventy-two (72) inches. He asked why the old attorney's name couldn't be replaced with Mr. Devane's name. Mr. Schrade explained that the other attorneys were affiliated and Mr. Devane was not affiliated with them. The attorney that had left would be replaced in that Law Firm with another that would be affiliated.

Chairman Hodom asked if the new portion of the sign to hold Mr. Devane's name would be internally lit. Mr. Schrade said yes. He said he turns his sign off at 9:00PM. His hours of business are 9:00AM to 5:00PM. Mr. Umina asked why he didn't turn off the sign at 7:00PM. Mr. Schrade said there was a high volume of traffic during that time and they wanted the public to be able to read the sign. Mr. Schrade said he always received positive comments on his sign.

Mr. Devane said he lived in the community and moved his law firm here from Albany. He was vested in the community and needed the sign to let his clients know where he was located. He has already moved into the office space in the building.

Chairman Hodom wanted to clarify the dimensions of the existing sign. The Allstate portion of the sign was three point six (3.6) feet in height, the Lawyers with Greenstein Law Firm was eighteen inches (18") in height and the client wanted to add twelve inches (12") to the bottom making the total area of the sign six feet by six feet (6' x6'). He asked that either the client or staff produce a copy of the Planning Board's amendment for the sign. Chairman Hodom mentioned again that the proposed sign size would fit on the building.

Chairman Hodom asked if Mr. Schrade had spoken with any of his neighbors. He said he had not but he didn't think they would have a problem with the sign.

If the variance application were approved, the bottom of the sign would be two and one half feet (2 ½') feet from the ground.

There being no further comment, the public hearing was declared closed at 7:36PM.

OTHER

The Board decided to participate Act of Kindness Day, February 28, 2009, by donating to the Bethlehem Food Pantry.

The Board reviewed the minutes of December 17, 2008 prepared by staff.

A motion to approve the minutes as drafted was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

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

The meeting adjourned at 7:45pm.

Respectfully Submitted,

Nanci Moquin