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**TOWN OF BETHLEHEM  
BOARD OF APPEALS**

**May 5, 2010**

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 Ave, Delmar New York

**PRESENT:** Daniel Coffey, Board of Appeals Chairman  
Michael Moore, Board of Appeals Counsel  
Lennie Micelli, Board of Appeals Member  
David DeCancio, Board of Appeals Member  
Matt Watson, Board of Appeals Member  
Kenneth Umina, Board of Appeals Member  
Mark Platel, Assistant Building Inspector  
Justin Harbinger, Assistant Building Inspector  
Chuck Radliff, Sr.  
Thomas Butler  
James Loder

Chairman Coffey called the meeting to order at 7:04 pm noting that there is a quorum with all members being present.

**PUBLIC HEARINGS**

The first order of business is to reschedule a Public Hearing for Mr. Peter Ebert for property located 109 Bridge Street, South Bethlehem. The applicant wishes to construct a storage garage within the additional 100' buffer. The notice did not make it into the Spotlight in time. A motion to reschedule the public hearing for Wednesday, May 19 at 7 pm was made by Mr. Micelli, seconded by Mr. Watson and approved by all Board members present.

**DISCUSSIONS**

**Delmar Medical Arts and Walgreens, SEQRA Determination 250, 254 & 256 Delaware Ave.**

No discussion on first resolution.

A motion to approve the SEQR Resolution as drafted was offered by Mr. DeCancio, seconded by Mr. Watson. Chairman Coffey discussed a need to determine how the procedure for a coordinated review to be handled in the future and called for a vote. Four in favor, one opposed, the resolution passes.

Second resolution to review regarding the variance request from Delmar Medical Arts and Walgreens. Mr. DeCancio wanted to review to verify edits were made. Mr. Watson requested clarification on Proposed Condition #3. Mr. Moore clarified Condition #3 was included as a reminder to the Planning Board to review and doesn't change the variance request substantively.

Mr. DeCancio expressed his preference to get clarification in these situations in advance. Chairman Coffey called for a vote. Mr. Micelli motioned to approve, Mr. Umina seconded, resolution passed five in favor, no one opposed.

**ESCO Towers, SEQRA determination Van Dyke Road.**

Chairman Coffey noted the Planning Board and the Zoning Board will coordinate review with the Planning Board acting as lead agent. It was discussed there is some urgency to get the notice published for the May 19 meeting due to limitations in the Planning Board counsel's schedule and also the town-hired consultant's schedule. Mr. Umina moved to schedule Public Hearing for the May 19 ZBA Meeting, Mr. DeCancio seconded, all in favor, none opposed. Mr. Platel

57 clarified the requested height variance is 120’.

58  
59 **Hoffman’s Car Wash 55 Delaware Ave, For area variances under Article VI,**  
60 **Supplemental Regulations, Section 128-59, Signs, D) Signs in the H, CH and RH Districts,**  
61 **1) & 6).**

62 Mr. Umina indicated the internal lighting is an issue and expressed his concern for setting  
63 precedence. It was further clarified at Mr. DeCancio’s request that the variances required related  
64 to size, location and internal lighting. Chairman Coffey noted throughout the corridor in  
65 question, the standard is external illumination. It was agreed across the board that other  
66 variances for internal lighting have been denied on a consistent basis. There was further  
67 discussion on the planned landscaping around the sign, the size and the location. It was noted  
68 the size requested is 8 feet wide by 10 feet high; current sign is 6 feet wide by 8 feet high. Code  
69 allows for 4 feet wide by 8 feet high. Significance was placed on the fact that the business, and  
70 therefore, the sign, is at the gateway to the town on the Albany border and the sign would be one  
71 of the first thing one would see when driving in on Delaware Avenue. Preference was given to  
72 being flexible around the setback, denying the internal lighting and being conservative on the  
73 sign size (not to exceed a maximum of 48sf as opposed to the requested 80sf). Further specifics  
74 were determined on the installed sign height with a maximum set at 18 feet in height.

75 Mr. Umina moved to approve, Mr. Micelli seconded. Motion passed with all in favor, none  
76 opposed.

77  
78 **RESOLUTIONS**

79 **Robelotto, 19 McCormack Rd.**

80 Mr. Umina moved to approve the Robelotto Resolution as amended. Seconded by Mr. Watson.  
81 Resolution passed with all in favor, none opposed.

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83 **Konicek, 47 John St.**

84 Mr. DeCancio requested clarification on the record of the past discussion. Mr. Watson moved to  
85 approve, Mr. Micelli seconded, resolution approved with all in favor, none opposed.

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87 **MINUTES**

88 No minutes to approve.

89  
90 Mr. Micelli noted it would be appropriate for this board to meet the Planning Board soon.

91  
92 Additionally, it was noted by Mr. Umina that there should be some protocol established for  
93 distributing ZBA correspondence, particularly the use of board member’s workplace email.

94  
95 Chairman Coffey noted it is prudent to flag SEQRA determinations when included on the outset  
96 going forward to allow the appropriate time to review and react. Mr. DeCancio proposed it  
97 become part of the standard procedure to make note of whether there is a SEQRA review as part  
98 of the request and Mr. Moore noted it can be added to the template.

99  
100 Mr. Platel confirmed Mr. Baum has withdrawn his application.

101  
102 There was further discussion on the timing of the Public Hearing for ESCO Tower Cell Tower  
103 Request and if there is urgency to move forward due to schedules. The concern was expressed  
104 that there is much more to be learned about the technical aspects of the issue and whether the  
105 board can be adequately prepared in time.

106  
107 Motion to adjourn was made by Mr. Umina, seconded by Mr. Micelli.  
108 Meeting adjourned at 7:44 pm.

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110  
111 **Respectfully submitted.**  
112 **Robin Nagengast**

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